

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-18283 of 2020

Date of Decision: 17.07.2020

Amarjit Singh

... Petitioner(s)

Versus

Union of India

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal

Present: Mr. Arjun Veer Sharma, Advocate
for the petitioner(s).

Ms. Puneeta Sethi, Senior Panel Counsel
for Union of India/respondent.

Anil Kshetarpal, J.

This is second petition for grant of regular bail pending trial in a complaint registered vide NCB Crime No. 8 dated 05.02.2019 under Sections 8, 20, 20 and 60 of the Narcotic Drugs & Psychotropic Substances Act, 1985.

The first bail application was dismissed by this Court on 17.09.2020 with following order:-

“Petitioner prays for grant of regular bail in a complaint case registered vide NCB Crime No. 08 dated 5.2.2019, under Sections 8, 20, 29 and 60 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Narcotics Control Bureau, District Amritsar.

As per the case of the prosecution, the petitioner and his co-accused were found in possession of 01.996

kilogram of charas (narcotic) which is a commercial quantity.

Learned counsel for the Narcotics Control Bureau, has submitted that the investigations are complete and they will produce their entire evidence within a period of six months from the next date of hearing.

Since recovery from the petitioner is much more than the commercial quantity, therefore, it would not be appropriate for this Court to order release of the petitioner on regular bail.

Accordingly, the petition for regular bail is dismissed. However, the Presiding Judge, Special Court, is expected to make sincere endeavour to conclude the trial within a period of 9 months from the next date of hearing which is stated to be 4.10.2019.”

Learned counsel for the petitioner, while drawing attention of this Court to the report of the Forensic Science Laboratory, has submitted that THC contents found in the sample are only 4.1% and 5.8%. He, hence, submitted that the recovery is not "Charas" as is sought to be made out by the prosecution.

In this case, the trial has already commenced. The statements of two prosecution witnesses have already been recorded. Due to restricted functioning of the Courts on account of spread of corona virus, the trial of the case could not be concluded.

Keeping in view the aforesaid facts, this Court is not inclined to grant regular bail to the petitioner. However, the trial Court is requested to

make sincere endeavour for expeditious disposal of the case as requested in the order dated 17.09.2019.

Disposed of.

(Anil Kshetarpal)
Judge

July 17, 2020
“DK”

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No