

CRM-M-26725-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CRM-M-26725-2020

Date of Decision: September 11th, 2020

Inderjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present Ms. Irveen Kaur, Advocate for the petitioner.

Mr. B.S. Sewak, Addl. A.G., Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.0169, dated 23.08.2018, registered at Police Station City Rupnagar, , under Sections 21 and 22 of the NDPS Act.

It is the contention of the learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. Assertion has also been made that the petitioner is in custody since 23.08.2018 and the trial in this case has not been concluded till date. She asserts that the delay itself would be a good ground for granting the petitioner the benefit of bail. Her contention is that there are various flaws in the prosecution story, which have not been taken note of. Prayer has, thus, been made for the grant of bail to the petitioner especially in the light of the fact that the present pandemic would further delay the trial.

On the other hand, learned counsel for the State submits that

the delay, if any, is on the part of the petitioner in this case. The prosecution evidence was closed on 15.01.2020 and after recording of the statement of the accused under Section 313 of the Code of Criminal Procedure, the case has been pending for the defence evidence. The delay, if any, is now at the end of the petitioner, for which the prosecution cannot be blamed. Prayer has, thus, been made for dismissal of the present petition in the light of the heavy quantity recovered from the petitioner.

I have considered the submissions made by the learned counsel for the parties and on going through the records of the present case, this Court does not find any ground for grant of bail to the petitioner as it is apparent that there is a huge recovery effected from the petitioner. Further, the prosecution evidence stands closed on 15.01.2020 and it is now at the end of the petitioner accused to lead evidence which unfortunately the petitioner till date has not done. Taking a plea with regard to the delay in trial when the fault is all attributable to the petitioner himself, would be misuse of process of law, which cannot be permitted. If the petitioner was sincere enough about the disposal of the case, he would have cooperated in the trial and availed the opportunities granted to him to lead evidence in his defence.

Finding no merit in the present petition, the same stands dismissed.

September 11th, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No