

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 33328 of 2020

Date of Decision: 30.10. 2020

Amarjit Kaur

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Kanwaljeet Singh Derabassi, Advocate
for the petitioner(s).

Ms. Samina Dhir, Deputy Advocate
General, Punjab for the respondent.

Anil Kshetarpal, J.

This is second petition for grant of regular bail to the petitioner in a criminal case arising from FIR No. 188 dated 05.10.2019, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (hereinafter referred to as “the 1985 Act”), at Police Station Sadar Nabha, District Patiala.

The first petition was dismissed on 10.07.2020 with the following order:-

“The petitioner prays for bail pending trial in a criminal case arising from FIR no.188 dated 5.10.2019 registered under Section 22 of the NDPS Act at Police Station Sadar Nabha, District Patiala.

As per the case of the prosecution, the petitioner was found in conscious possession of 710 intoxicating tablets

having salt Tramadol Hydrochloride. Total quantity of Tramadol Hydrochloride comes to 291.1 grams which falls in commercial category.

Learned counsel for the petitioner contends that the petitioner is more than 70 years of age and is in custody for the last nine months. He further submits that no independent witness has been joined.

On the other hand, learned counsel appearing for the State of Punjab has submitted that the petitioner was found in conscious possession of commercial quantity. He further submits that the petitioner is also involved in another FIR no.97 dated 15.6.2019 registered under Section 22 NDPS Act. In that case, the petitioner was found in conscious possession of 510 intoxicating tablets containing Tramadol salt. He further submits that on conclusion of the investigation, police report has been filed. Charges have been framed by the Court and two prosecution witnesses have already been examined.

Keeping in view the aforesaid facts, this Court is not inclined to grant bail to the petitioner, particularly, in view of the provisions of Section 37 of NDPS Act.

Hence, dismissed.

However, learned Trial Court is requested to expedite the trial”.

Learned counsel for the petitioner contends that the trial of the case is progressing at snail's pace and the petitioner is in custody for more

than one year.

No doubt, due to the spread of COVID-19 pandemic, the Courts have not been able to work at their full capacity, however, now there is a lot of improvement and efforts are being made to resume the normal functioning of the Courts. In the present case, the recovery from the petitioner falls in the category of commercial quantity. He is involved in yet another case under the 1985 Act. Hence, no ground is made out to grant the concession of regular bail to the petitioner and the present petition is dismissed.

However, the trial Court is requested to make sincere endeavour for expeditious disposal of the trial.

(Anil Kshetarpal)
Judge

October 30, 2020

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No