

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-4350 of 2021

DATE OF DECISION :- February 05, 2021

Malkit Singh alias Laddi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Ms. Anupam Bhanot, Advocate for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

The case has been taken up through Video Conferencing.

This is second petition for regular bail filed by petitioner Malkit Singh alias Laddi, an accused in F.I.R. No. 123 dated 14.6.2014 under Section 21/22 of the NDPS Act registered at Police Station Jhabhal, District Tarn Taran.

The first petition filed by the present petitioner was disposed of vide order dated 19.11.2020, which is reproduced as under :-

“After arguing, realizing that the Court was not convinced with the contentions raised by her and was not inclined to grant the relief prayed for, learned counsel for the petitioner states that she be permitted to withdraw the instant petition but a direction be issued to the trial Court to expedite the trial.

Dismissed as withdrawn.

The trial Court is directed to conclude the trial expeditiously by giving short adjournments.”

Now without there being any substantial change in the

circumstances, the petitioner has again approached this Court filing the instant petition for bail. The main grouse of the petitioner is that the trial in this case is getting prolonged and till now only one prosecution witness has been examined. However, an important fact is being ignored which is that after arrest of the accused in this case, sample of the contraband had been sent for chemical analysis and since report was not received despite passage of a considerable time petition for grant of interim bail vide order dated 20.10.2014 which bail lasted upto 10.7.2019 i.e. almost for five years since FSL report had not been received. After the report was received and salt was found to be Alprazolam and quantity when counted came out to be commercial one, the petitioner was taken into custody. Thereafter on account of unprecedented situation of outbreak of Corona pandemic the functioning of the Courts in the region was effected for a long time though physical hearings in the Courts at District level have since resumed and a direction has already been issued to the trial Court to expedite the trial while dismissing the first petition for regular bail vide order dated 19.11.2020. The second petition so filed is completely without justification and deserves to be dismissed with exemplary cost, however, since counsel for the petitioner has sought permission to withdraw the present petition, I refrain from imposing cost upon the petitioner this time, however, it is observed that if petitioner comes to the Court again for bail without any substantial change in the circumstances, then the desirability of imposing cost would be considered.

Dismissed as withdrawn.

(H.S. MADAN)
JUDGE

February 05, 2021

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No