

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

**CRM-M-7479-2021
Date of decision: 24.02.2021**

Shamsher Singh alias Shera

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Amar Singh Sandhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition filed by the petitioner for grant of regular bail to him in case FIR No. 150 dated 23.06.2019, registered under Sections 21/29 of the NDPS Act, 1985 at Police Station Salem Tabri, Ludhiana.

The first petition, bearing CRM-M-2384-2020, was dismissed on merits on 23.09.2020 by passing the following order:

“Counsel for the petitioner submits that as per the allegations in the FIR, registered on a secret information that petitioner-Shamsher Singh @ Shera, alongwith co-accused Prabhjeet Singh @ Babbu, are doing the business of sale and purchase of narcotics and they are coming by bus and will drop at Jalandhar bye-pass chowk. If a naka is laid, they can be apprehended alongwith the contraband. Upon this, the FIR was registered on 23.6.2019 at 9.40 p.m. and, thereafter, the petitioner and the co-accused, were apprehended at the spot. The recovery from the petitioner is of 330 grams of

heroin, which falls under the commercial quantity and 170 grams of heroin was recovered from co-accused Prabhjeet Sintgh @ Babbu.

Counsel for the petitioner has argued that the provisions of Section 50 of the NDPS Act were not complied with and the trial is not proceeding. It is also argued that coaccused Prabhjeet Singh @ Babbu has been granted the concession of regular bail.

In reply, the learned State counsel has opposed the prayer on the ground that since it was a case of chance recovery, the petitioner and the co-accused were produced before the Magistrate and recovery from the petitioner is of commercial quantity, whereas the co-accused was of noncommercial quantity and that is why he was granted bail by the trial Court.

After hearing counsel for the parties and considering the fact that the recovery of commercial quantity was effected from the petitioner, I find no ground to grant the regular bail to the petitioner.

The petition stands dismissed.”

The only argument raised by learned counsel for the petitioner is that since the trial is not progressing, the petitioner may be granted concession of regular bail.

Learned State counsel submits that recovery effected from the petitioner is of commercial quantity and now the hearing has started in Courts below.

Faced with this, learned counsel for the petitioner limits his prayer and submits that since the petitioner is in long judicial custody, the trial Court may be directed to conclude the trial expeditiously.

After hearing learned counsel for the parties, considering the limited prayer of the petitioner, the present petition is disposed of with a

direction to trial Court to make all endeavour to conclude the trial expeditiously, preferably within a period of six months from today.

24.02.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No