

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

(Sr. No. 221)

CRM-M No. 21800 of 2020

Date of decision : 08.04.2021

Sarwan Singh @ Samma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Chetan Bansal, Advocate for the petitioner.

Mr. S. S. Cheema, AAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.8 dated 18.01.2019 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) registered at Police Station Goindwal Sahib, district Tarn Taran.

Briefly stated the case of the prosecution is that the petitioner and two of his co-accused were searched by the police party resulting in the recovery of 800 tablets of Alprazolam from the petitioner and from his co-accused 300 tablets of Alprazolam and 20 grams of heroin.

Learned counsel for the petitioner contended that the petitioner has been falsely implicated in this case; he has been in custody for the last one year and three months; report under Section 173 Cr.P.C. has been filed and therefore, the petitioner is not in a position to influence the investigation and that the petitioner's trial, which is yet to begin, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he is a convict in two cases under the NDPS Act with another case under the NDPS Act pending against him and from the person of the petitioner 800 tablets of Alprazolam were recovered.

On one hand the petitioner has been found to be in illegal possession of 800 tablets of Alprazolam and from his co-accused, who were in his company, 300 tablets of Alprazolam and 20 grams of heroin have been recovered as also that the petitioner has been convicted twice in cases under the NDPS Act with another case under the NDPS Act pending against him whereas on the other hand the petitioner is in custody since the last over one year and three months and his trial is yet to begin.

After considering the entire gamut of facts, it is considered just and appropriate to dispose of the present petition with the direction to the State to lead its entire evidence within six months from the date of receipt of a copy of this order with a further direction to the Trial Court to finally adjudicate upon the petitioner's trial within two months thereafter during which time the petitioner may lead his defence evidence. Such directions are subject to the cooperation of the petitioner.

It is clarified that in case the petitioner's trial is not disposed of in the above time frame, the petitioner, after showing that the delay in the same is not attributable to him, he may revive his prayer for bail.

08.04.2021*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No