

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

209

CRM-M-32084-2021 (O&M)

Date of decision: 16.08.2021

BOOTA SINGH

..Petitioner

Versus

UNION OF INDIA

..Respondent

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. PS Sekhon, Advocate for the petitioner.  
Ms. Sharmila Sharma, Senior Panel Counsel for UOI.

\*\*\*

**ANIL KSHETARPAL, J (Oral)**

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

This is the third petition filed under Section 439 Cr.P.C. for grant of bail, pending trial, in Crime No.56, dated 09.09.2017, registered under Sections 8, 15, 18, 29, 60 and 61 of NDPS Act, 1985, at Police Station Narcotics Control Bureau Chandigarh District NCB Chandigarh Zonal Unit.

The second petition was dismissed on 15.01.2021 with the following order:-

This is second petition for grant of bail pending trial to the petitioner in a criminal case arising from NCB crime no. 56/2017, dated 09.09.2017 registered under Sections 8/15/18/60 and 62 of NDPS Act, NCB Zonal Unit, Chandigarh.

The first petition was disposed of with the following order:-

“Prayer in this petition is for grant of regular bail in N.C.B. Crime No.56/17 dated 09.09.2017 under Sections 08/15/18/23 and 60 of the NDPS Act, registered at N.C.B. Zonal Unit, Chandigarh.

This Court has heard learned counsel for the parties at length. The trial has already started. FIR was registered on 09.09.2017. Keeping in view the aforesaid facts, learned trial Court is requested to conclude the trial expeditiously preferably within a period of one year.

With these observations, the petition stands disposed

of.”

Learned counsel for the petitioner contends that there is no progress in the trial of the case.

As per the case of the prosecution, the petitioner was apprehended with 05.270 kgs opium and more than 4 kg poppy husk. The quantity of opium falls in the category of commercial quantity.

Ms. Sharmila Sharma, has stated that the prosecution has already examined three witnesses out of total 10 witness on its behalf whereas it intends to give up two witnesses. She submits that the next date for recording of the evidence is 12.02.2021.

Keeping in view the aforesaid facts and without commenting on the merits of the case, it is considered appropriate to direct the trial court to conclude the trial of the case preferably within a period of six months.

Disposed of.

Learned counsel representing the petitioner contends that the petitioner is in custody for more than 3 years and 11 months and the trial of the case is progressing at snail's pace.

On the other hand, Ms. Sharmila Sharma, Senior Panel Counsel for UOI, states that due to restricted functioning of the Courts during last one and a half year, substantial progress of the trial did not take place. However, she submits that today itself the case is fixed for recording the deposition of the prosecution witnesses.

Keeping in view the period of incarceration of the petitioner, the learned Trial Court is directed to positively conclude the trial within three months from the receipt of the certified copy of this order. Ms. Sharmila Sharma, Senior Panel Counsel for UOI, is requested to secure presence of the remaining prosecution witnesses on the date to be fixed.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

16.08.2021

ashok

**(ANIL KSHETARPAL)**  
**JUDGE**