

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

Sr. No.234

CRM-M-38964-2021

Date of decision: 25.10.2021

Hardeep Singh @ Bittu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Kanwaljeet Singh, Advocate, for the petitioner.

Ms. Gunkirat Kaur, Asstt. A.G., Punjab.

* * *

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.114 dated 10.10.2019, registered under Sections 21 and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Raikot, District Ludhiana.

The petitioner had earlier filed CRM-M-2946-2020 seeking therein the same relief as claimed through the present petition. However, on 22.03.2021, when such petition had come up for hearing, the same was not pressed on merits and an alternate prayer was made on behalf of the petitioner for early disposal of the petitioner's trial which was accepted and accordingly, the Trial Court was directed to finally adjudicate upon the petitioner's trial within four months from the date of receipt of a copy of the order, in accordance with law. Since the petitioner's trial was not concluded within the afore time frame, through the present petition the petitioner has renewed his prayer for regular bail.

A report from the Trial Court had been sought as to why the petitioner's trial had not been concluded within the time frame contained in the afore-referred order of this Court. In compliance with such directions, the Trial Court has submitted its report as per which the allotted time line could not be adhered to primarily due to restricted functioning of the Courts on account of the Pandemic-Covid-19. This Court is further informed that the order of this Court was not in the knowledge of the Trial Court as the same was neither reflected in any interim order of the Trial Court nor was it put up by the Ahlmad (Criminal). After expressing regret, the Trial Court has sought more time to comply with the directions of this Court.

After considering the reasons given by the Trial Court and the fact that the petitioner has suffered incarceration since October 2019 as also that the petitioner is facing trial for having been allegedly found to be in illegal possession of 3000 tablets containing Tramadol Hydrochloride, the present petition is disposed of with a direction to the Trial Court to now dispose of the petitioner's trial within three months from the date next fixed before it, in accordance with law. Directions are also issued to the State to make every endeavour with regard to production of prosecution witnesses.

The District and Sessions Judge, Ludhiana shall also enquire into the matter as to why the order of this Court was not brought to the notice of the Trial Court and send a report. Appropriate instructions shall also be circulated by him/her so that such a situation does not arise in the future.

October 25, 2021*Jyoti 1*

Whether speaking/reasoned
Whether reportable

(DEEPAK SIBAL)**JUDGE**

Yes/No
Yes/No