

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

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**CRM-M-40063-2020 (O&M)
Date of decision : 15.01.2021.**

Kamaljit Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. J.S.Thakur, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is the fourth petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.165 dated 10.10.2018 under Sections 18 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act, for short) registered at Police Station Goraya, District Jalandhar Rural.

Learned counsel for the petitioner has argued that the petitioner was a co-driver and the recovery was on the basis of secret information and there is non-compliance of Section 42 of the NDPS Act.

Learned State counsel, on instructions from ASI Kewal Singh, has stated that this is the fourth petition and there is no new ground which has been shown in the present petition.

I have heard learned counsel for the parties.

The first petition filed by the petitioner, being CRM-M-20773 of 2019, was dismissed as withdrawn on 10.05.2019 and the following order was passed :

“ *Custody certificate filed in Court today is taken on record.*

After arguing for some time, when the Bench was not agreeing with the submissions of learned counsel for the petitioner, he prays for withdrawal of instant petition.

Dismissed as withdrawn.”

The second petition was filed being CRM-M-33587 of 2019, which was also dismissed as withdrawn on 09.09.2019 with a direction to the Trial Court to expedite the hearing. Thereafter, the third petition was filed being CRM-M-24685 of 2020, which was dismissed by a speaking order on 05.10.2020.

Today, learned counsel for the petitioner has not been able to show any new ground for entertaining the present petition. Learned counsel has sought to re-argue the matter on merits without showing the new circumstance for filing the present petition. Further, as noticed in the order dated 05.10.2020, the present case pertains to the recovery of 7.5 kg of *opium* from the car in which the petitioner was co-driver. The car is also registered in the name of the petitioner. The driver of the car is none other than the brother of the petitioner. The order dated 09.09.2019 passed by the Court was prior to out-break of the Covid-19 pandemic and it was directed therein that the trial be expedited and preferably be concluded within 06 months. Thereafter, from March 19, 2020 the Covid-19 pandemic hit the World and even in India there was a lock-down. The progress of cases came to a virtual stand-still in view of the fact that Courts were not functioning due to curfew and/or other restrictions which had been imposed. The first unlock started only on

18.05.2020. In the earlier petition i.e CRM-M-24685-2020 it has been noticed that learned counsel for the petitioner was not able to show as to whether any application had been moved by the petitioner before the Trial Court for early disposal of the case. The same is the situation today. Even today, learned counsel for the petitioner has no instructions with regard to the fact whether any application has actually been moved by the petitioner for early disposal of the case.

In view of the above, the present petition is dismissed.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

January 15, 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No