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CRM-M-7571-2022

..... Petitioner

Versus

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. M.K.Singla, Advocate
for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

* * * *

Manjari Nehru Kaul, J.(Oral)

This is the second petition filed under Section 439 Cr.PC for releasing the petitioner on bail in case FIR No.121 dated 30.09.2020 under Section 21 of NDPS Act, 1985 (Section 31 of NDPS Act and Section 207 M.V. Act has been added later on) registered at Police Station STF Phase 4, District SAS Nagar, Mohali.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been in custody since 30.09.2020 and only one witness i.e. investigating officer has been partially examined. He submits that the case is being adjourned time and again without it making any headway. Hence, there is no likelihood of the trial concluding in the near future. He further submits that no doubt, the petitioner is involved in other criminal cases including cases under the NDPS Act, however, he stands acquitted in 05 out of the 09 cases and in rest of the cases, he is on bail.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite in the wake of the petitioner's criminal antecedents. He submits that recovery of 267 grams of

heroin, which falls under the commercial category, was effected from the car in which the petitioner alongwith the co-accused was travelling. He further submits that pursuant to secret information received, both the petitioner and co-accused were apprehended and recovery of contraband was effected from them. He still further submits that in case the petitioner is extended the concession of bail, there is every likelihood that he could yet again be involved in a case of similar nature, seeing his past conduct.

Heard learned counsel and perused the relevant material available on record.

In the facts and circumstances as enumerated hereinabove coupled with the criminal antecedents of the petitioner, this Court does not deem it fit to extend the concession of bail to the petitioner. Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

At this stage, a prayer has been made by the learned counsel for the petitioner for issuance of directions to the trial court for expeditious conclusion of the trial as the petitioner has been in custody for almost 1½ years.

In the wake of the long period of incarceration of the petitioner, the trial Court is directed to endeavour to expedite the trial and conclude the same preferably within a period of eight months from today.

11.05.2022
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No