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

CRM-M-13774-2022

Date of Decision: 06.04.2022

Subhash Singh @ Bittu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sumeet Pal Singh Khaira, Advocate,
for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.110 dated 11.05.2017, under Section 22 of the N.D.P.S. Act, 1985, registered at Police Station Sidhwan Bet, District Ludhiana (Rural), Punjab.

Learned counsel for the petitioner has submitted that the petitioner is in custody, since 11.05.2017 and the trial of the case is not progressing and only four prosecution witnesses out of the ten have been examined till date and considering the custody of the petitioner, he may be considered for the grant of regular bail.

On the other hand, Mr. R.S. Thind, learned Deputy Advocate General, Punjab, has submitted that it is a case where there was a recovery of 100 grams of *Diphenoxylate Hydrochloride* from the petitioner which falls in the category of commercial quantity and the provisions of Section 50 of the N.D.P.S. Act were also complied with and since the prayer of the

petitioner is hit by the bar contained under Section 37 of the N.D.P.S. Act, the petitioner does not deserve the concession of regular bail. He further submitted that the petitioner is also involved in five other cases out of which four pertain to the N.D.P.S. Act and he is undertrial in those cases and therefore, considering the antecedents of the petitioner and the bar contained under Section 37 of the N.D.P.S. Act, the petitioner does not deserve the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner is also involved in five other cases including four cases pertaining to the N.D.P.S. Act. Learned counsel for the petitioner has not been able to make out any ground for making a departure from the bar contained under Section 37 of the N.D.P.S. Act, therefore, no ground is made out to grant regular bail to the petitioner, consequently, the present petition is hereby dismissed.

However, since the petitioner has already faced incarceration of about five years, it will be just and proper in the interest of justice to direct the learned trial Court to expedite the trial.

In view of the above, the trial Court is directed to expedite the trial of the present case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

06.04.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |