

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

209

CRM-M-15744-2022
Date of decision: 15.07.2022

Amrik Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the fifth petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.72 dated 09.04.2019 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Islamabad, Amritsar, District Amritsar.

On a pointed query put to the learned counsel for the petitioner to show as to what was the material change in circumstances subsequent to the withdrawal of the fourth petition under Section 439 of the Cr.P.C. as recently as in January, 2022, he submits that the trial has been proceeding at a very slow pace and only 04 out of the 16 prosecution witnesses have been examined till date. He further submits that the petitioner has now been in custody for more than 03 years having been arrested on 09.04.2019 and seeing to the slow pace of the trial, there is no likelihood of the trial concluding in the near future.

Per contra, learned State counsel while opposing the prayer and submissions of the counsel opposite, submits that the petitioner is a man of criminal antecedents as he is involved in 03 other criminal cases besides the present one. He further submits that the petitioner was apprehended along with co-accused and total recovery of 550 grams of heroin was effected from both of them which falls under the commercial quantity. Learned State counsel still further submits that the FIR in question came to be registered during the pendency of the earlier criminal cases. Hence, the petitioner be not extended the concession of bail as there is every likelihood that he could yet again be involved in some other criminal case.

I have heard learned counsel for the parties and perused the material placed on record.

In the facts and circumstances as enumerated hereinabove, moreso, since there has been no material change in circumstances subsequent to the dismissal of the previous petition in January, 2022, this Court does not deem it fit to extend the concession of bail to the petitioner.

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 request has been made by learned counsel for the petitioner to issue directions to the trial Court to expedite the trial keeping in view the long incarceration of the petitioner.

In the wake of long incarceration of the petitioner, the trial

Court is directed to make every endeavour to decide the case at the earliest preferably within the next five months.

15.07.2022

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No