

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

209

CRM-M-18839-2020 (O&M)

Date of decision: 08.03.2022

HARJINDER SINGH

...Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.237 dated 26.09.2019 (Annexure P-1), registered under Section 22 of NDPS Act, at Police Station Sultanpur Lodhi, District Kapurthala.

Status report by way of an affidavit dated 20.04.2021 of the Deputy Superintendent of Police, Sub-Division Sultanpur Lodhi, District Kapurthala, filed on behalf of the respondent-State, in the registry, is taken on record.

Learned counsel for the petitioner submits that the petitioner has been in custody for the last more than 02 years and that the alleged recovery effected from the petitioner is marginally above the commercial quantity. In support of his contentions, he relies upon the orders passed by Hon'ble Supreme Court in Criminal Appeal No.668 of 2020 titled Amit Singh Moni vs State of Himachal Pradesh, decided on 12.10.2020

and Criminal Appeal No.245 of 2020 titled Chitta Biswas @ Subhas vs State of West Bengal, decided on 07.02.2020.

On the other hand, learned State counsel, while opposing the prayer for grant of regular bail to the petitioner submits that in the two more cases registered against the petitioner, he stands convicted in one case, whereas the other one is pending trial.

I have heard the learned counsel for the parties and also gone through the orders of the Hon'ble Supreme Court, as noticed above.

As referred to above, there are 02 more FIRs registered and/or pending against the petitioner.

In Amit Singh Moni's case (supra), recovery of contraband (Charas) weighing 3285 grams was effected. Though, the Hon'ble Supreme Court has granted the concession of regular bail after an under trial period of 02 years 07 months, yet the fact remains that there was no other case registered and/or pending against the petitioner therein.

Further, in Chitta Biswas @ Subhas's case (supra), recovery of 46 bottles of phensydryl cough syrup containing codeine mixture was effected, but here also there was no other case against the petitioner therein. Thus, the reliance of the learned counsel for the petitioner on the aforesaid orders is of no help to the petitioner.

At this stage, learned counsel for the petitioner submits that the FIR was registered way back on 26.09.2019; that charge was framed on 24.03.2021 and that out of total 08 prosecution witnesses, none has been examined, so far. He further submits that the petitioner would be satisfied, if the trial Court is directed to expedite the trial and conclude it,

at the earliest.

In view of the above, the present petition is disposed of with a direction to the trial Court to make the best endeavour to decide the case at the earliest.

08.03.2022

Aman Jain

Whether reasoned/speaking?

Whether reportable?

(HARNARESH SINGH GILL)

JUDGE

Yes/No

Yes/No