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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.23072 of 2022 (O&M)

Date of decision: 07.12.2022

Kuldip Singh @ Bhatti

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Isha Goyal, Advocate
for the petitioner.

Mr. Shubham Kaushik, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner in FIR No.118 dated 29.09.2020 registered under Sections 21/29/61/85 of the NDPS Act at Police Station STF, S.A.S. Nagar, Mohali.

Counsel for the petitioner has argued that as per the allegations in the FIR, the petitioner was found in possession of 300 gms of Heroin in a polythene packet.

Counsel for the State has filed the Custody Certificate today in the Court, which reflects that the petitioner is involved in 03 more FIRs under the NDPS Act i.e. FIR No.86 dated 21.07.2017 registered under Section 21 of the NDPS Act at Police Station Sarhali, FIR No.254 dated 05.12.2018 registered under Sections 21/29 of the NDPS Act at Police Station A Division and FIR No.70 of 2017 registered under Section 21 of the NDPS Act at Police Station Gharinda.

Since the petitioner is a habitual offender, no opinion can be formed under Section 37 of the NDPS Act to grant bail to the petitioner.

Dismissed.

However, considering the fact that the petitioner is in custody for the last 02 years, 02 months and 04 days, the trial Court is directed to conclude the trial expeditiously preferably within a period of 09 months from today.

It is further made clear that if the official witnesses are not appearing despite issuing warrants, the trial Court may issue non-bailable warrants for procuring the presence of said witnesses.

(ARVIND SINGH SANGWAN)
JUDGE

07.12.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No