

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-27734-2021 (O&M)

Date of Decision:-15.2.2022

Gurjinder Singh @ Gopi Lamma ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashish Agarwal, Advocate for the petitioner.

Mr. M.S. Dullat, Addl.A.G., Punjab.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.17 dated 1.2.2018 at Police Station Verowal, District Tarn Taran under Sections 21, 22 and 29 of Narcotic Drugs & Psychotropic Substances Act, wherein the allegations are to the effect that he was found in possession of 260 grams of '*heroin*'. The co-accused Lovepreet Singh was found in possession of 105 loose tablets containing '*alprazolam*'.
2. Learned counsel for the petitioner submitted that the petitioner has been behind bars for the last about 2 years and 8 months and that since no PW has been examined till date, he deserves to be released on bail.
3. On the other hand, learned State counsel has opposed the petition on the ground that since it is a case of recovery of 'commercial' quantity of

contraband and the petitioner happens to be a previous convict having been convicted in 2 other cases including one case under NDPS Act, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 2 years and 8 months and that no PW has been examined till date and that the matter is now fixed before the Trial Court on 24.3.2022 for recording prosecution evidence.

4. I have considered aforesaid submissions addressed before this Court.
5. Having regard to the fact that it is a case of recovery of 'commercial' quantity and also that the petitioner happens to be a previous convict, this Court does not find any special case for grant of regular bail particularly keeping in view the fetters imposed by Section 37 of NDPS Act. The petition, as such, is dismissed.
6. However, since there has been no progress in the trial and the petitioner has been behind bars for a substantial period, the Trial Court is directed to take all such necessary steps as may be possible under the present circumstances of spread of COVID-19 for expediting the conclusion of trial. The Trial Court may make a schedule in advance for summoning the PWs and and fix short dates for the witnesses to be summoned. Special messengers be deputed for securing presence of the witnesses. If deemed necessary, a request be also be made to Senior Superintendent of Police concerned for ensuring that the presence of all the PWs is secured for the dates as may be fixed by the Trial Court.

15.2.2022

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

**(Gurvinder Singh Gill)
Judge**