

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

CRM-M No.33594 of 2022

Date of decision: 15th September, 2022

Budh Ram

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Dinesh Kumar, Advocate for the petitioner.

Mr. Rohit Arya, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

This is third petition of the petitioner under Section 439 Cr.P.C. in case bearing FIR No.209 dated 08.09.2019 under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Sirsa, District Sirsa.

Learned counsel for the petitioner inter alia submits that the petitioner has been falsely implicated in the case in hand which is evident from the fact that no independent witness was joined by the investigating agency at the time of alleged recovery of contraband. He further submits that the petitioner has now been in custody since 08.09.2019 and the trial has not yet concluded.

Per contra, learned State counsel on instructions has submitted that a huge quantity of 2800 capsules of NRX Tramadole was recovered from the possession of the petitioner pursuant to a secret information received by the investigating agency, wherein the

petitioner was specifically named. He has further apprised the Court that 5 out of 16 prosecution witnesses stand examined and 4 prosecution witnesses have been summoned on the next date of hearing i.e. 15.12.2022 before the trial Court. Thus, the trial will not take much time to conclude now.

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

In view of the huge recovery allegedly effected from the petitioner, which falls under commercial quantity, this Court does not deem it fit to extend the concession of bail to the petitioner in this case in addition to the fact that there has been no material change in circumstances subsequent to the withdrawal of the previous petition seeking similar relief on 23.03.2022. In the circumstances, the petition stands dismissed. However, 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 the learned counsel for directing the trial Court to conclude the trial expeditiously as the petitioner has now been in custody since 08.09.2019.

The trial Court is directed to make earnest efforts to conclude the trial expeditiously, preferably within a period of six months from today.

(MANJARI NEHRU KAUL)
JUDGE

September 15, 2022

rps

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No