

208 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH
(through video conferencing)

CRM-M-32084-2020
Decided on : 27.01.2022

Varinder Kumar @ Happy

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sunil Tandon, Advocate
 for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

This is the second petition under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.21 dated 08.02.2019 under Section 22 of NDPS Act, 1985 registered at Police Station City Sunam District Sangrur as previous one having been dismissed on 14.09.2020.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand for being found in possession of 400 tablets of Carisoma and 40 vials of Onerex. He submits that the petitioner is not involved in any other criminal case much less under the NDPS Act. He also submits that the petitioner has now been in custody since 08.02.2019 and there is no likelihood of the trial concluding in the near future as 14 prosecution witnesses out of 17 cited remain to be examined.

Learned State counsel while opposing the prayer and submissions made by counsel opposite submits that the petitioner was not only named in the secret information received by the investigating agency but after a barricade was laid, the petitioner along with the co-accused was apprehended with 400 tablets of Carisoma and 40 vials of Onerex, which falls under the commercial quantity. He further submits that though the petitioner is not involved in any other case under the NDPS Act, but FIR No.219, dated 03.11.2020, under Section 52-A of Prison Act, stands registered against him at Police Station Kotwali, Nabha. He still further submits that the delay in the conclusion of the trial has been on account of

the restricted working of the Courts due to the outbreak of the ongoing pandemic.

Heard learned counsel and perused the material available on record.

No doubt, the recovery of 400 tablets of Carisoma does not fall under the commercial category, however, the recovery of 40 vials of Onerex is much beyond the minimum prescribed under the commercial category. In the circumstances, this Court does not deem it fit to extend the concession of bail to the petitioner in the wake of the recovery allegedly effected from him.

Accordingly, the present petition stands 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 prayer has been made by the learned counsel for the petitioner for issuance of directions to the trial court for expeditious conclusion of the trial in the wake of his long incarceration.

In the wake of the long period of incarceration of the petitioner, the trial Court is directed to endeavour to expedite the trial and conclude the same preferably within a period of six months from today.

27.01.2022
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No