

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

CRM-M No.39789 of 2022

Date of decision: 21st September, 2022

Krishan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. D.P.S. Bajwa, 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.182 dated 24.09.2020 under Sections 21-C, 27-A/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Narwana City, District Jind.

At the outset, a query was put to the learned counsel as to what was the material change in circumstances subsequent to the withdrawal of previous petition as recently as on 18.05.2022, to which he merely submitted that the case had been adjourned by the trial Court, a number of times. On merits, it has been submitted that the alleged recovery effected from the petitioner is 286 grams of Smack, which is marginally higher than the minimum prescribed quantity in the said

category. He has thus, submitted that the petitioner be extended the concession of bail since there is no likelihood of the trial concluding in the near future as there are 24 prosecution witnesses cited and none has been examined till date.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. He, on instructions, has submitted that the submissions made by learned counsel for the petitioner that the case has been adjourned on a number of occasions, is factually incorrect as after 18.05.2022, the case came up for hearing only on one date. He has further submitted that the petitioner is not entitled to any concession of bail as he does not have clean antecedents and he had committed the offence in question while he was on bail in a case pertaining to NDPS Act, which was registered against him in the year 2018. Learned State counsel also has submitted that the petitioner was apprehended with 286 gms of Smack, pursuant to a secret information received wherein he had been named. Hence, it was evident that the petitioner had misused the concession of bail.

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

Learned counsel for the petitioner has failed to satisfy this Court qua any material change in circumstances which would warrant entertaining the instant petition. Still further, this Court concurs with

the submissions made by learned State counsel that the petitioner had indeed misused the concession of bail which had been granted to him in the earlier case under NDPS Act as the FIR in question was registered and recovery of contraband effected during the pendency of the previous criminal case.

In the facts and circumstances as enumerated hereinabove, this Court, thus, does not deem it appropriate to extend the concession of bail to the petitioner. Consequently, there being no merit in the instant petition, the same stands dismissed. However, anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

As the petitioner has been in custody since 24.09.2020, 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 21, 2022

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No