

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

CRM-M-53341-2021 (O&M)

Date of decision: 11.03.2022

Prabhjot Singh @ Manna

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Sushma Chopra, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.90 dated 29.09.2020, registered at Police Station Behram, District SBS Nagar, under Section 22 NDPS Act, 1985.

Status report by way of affidavit dated 11.03.2022 of the Deputy Superintendent of Police, Sub-Division, Banga, Shaheed Bhagat Singh Nagar, submitted by the learned State counsel is taken on record.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the petitioner has been in custody since 29.09.2020; that vide order dated 07.12.2021 (Annexure P-3) passed by this Court in CRM-M-32657-2021, co-accused, namely, Sunny Kumar stands enlarged on regular bail, and that so far as another FIR registered against the petitioner, is concerned, he stands released on bail therein.

She further submits that the alleged recovery was effected from the table in a sweet shop and the complete recovered contraband was not sent for analysis, inasmuch as, only 1/1 strip containing 10 tablets each, were sent for analysis. Thus, in the absence thereof, it cannot be said that the alleged contraband falls under the commercial quantity.

Learned State counsel, while vehemently opposing the prayer for bail submits that as the recovered contraband is higher than the commercial quantity, therefore, in view of the bar contained in Section 37 of the NDPS Act, the petitioner is not entitled to the concession of bail.

I have heard the learned counsel for the parties.

In view of the provisions contained in Section 37 of the NDPS Act, this Court does not find it a fit case to grant the concession of bail to the petitioner.

Faced with this situation, learned counsel for the petitioner restricts her prayer to the issuance of the directions to the learned trial Court, to expedite and conclude the trial within a stipulated period.

In view of the above, the present petition is disposed of with a direction to the trial Court to make an endeavour to conclude the trial at the earliest.

(HARNARESH SINGH GILL)
JUDGE

11.03.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No