

Neutral Citation No.2023:PHHC:148977

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-9167 of 2022 (O&M)

Date of decision : 22.11.2023

...

Rammu Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Satnam Singh Gill, Advocate
for the petitioner.

Ms. Kanika Sachdeva, Assistant Advocate General,
Punjab, for the respondent/State

...

MANJARI NEHRU KAUL, J. (ORAL)

This is third petition filed by the petitioner under Section 439 Cr.P.C., seeking concession of regular bail in case FIR No.89 dated 19.7.2019 under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, (hereinafter referred to as 'the NDPS Act') registered at Police Station Bhikhi, District Mansa, after the previous petition, seeking similar relief, was dismissed as withdrawn on 29.11.2021

2. It has been submitted by learned counsel for the petitioner that he has been in custody since 19.7.2019 for allegedly being found in possession of 13500 Alprazolam and 12500 Tramadol tablets. It has been further submitted that despite charges having been framed way back on 3.1.2020, the trial had yet been concluded. A prayer has, therefore, been made for extending the concession of regular bail to the petitioner, as in the facts and circumstances, his further incarceration, in the case in hand would serve no useful purpose and it would also amount to compromising his personal liberty granted to him under Article 21 of the Constitution of India.

3. Per contra, learned State counsel while vehemently opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that no doubt, the petitioner was indeed arrested on 19.7.2019, however, when the petitioner was apprehended on suspicion, a huge recovery of 13500 Alprazolam and 12500 Tramadol tablets, was affected from him. It has also been submitted that the delay in the conclusion of the trial has primarily been on account of the outbreak of Covid pandemic, as soon thereafter, proceedings before the Courts had come to a virtual standstill. Learned State counsel while placing on record the custody certificate of the petitioner has further submitted that the petitioner is a man of criminal antecedents and he is involved in another case under the NDPS Act. It has also been submitted that the petitioner was on bail in the other case registered against him under the NDPS Act when he was nabbed in the present case; hence it was writ large that he had misused the said concession as such he did not

deserve the concession of bail, as there was every possibility that he could yet again be involved in some cases under the NDPS Act.

4. Learned State counsel, on further instructions from SI Balvir Singh, Police Station Bhikhi, has further apprised the Court that 3 prosecution witnesses have been examined out of the 15 cited and the next date fixed before the trial Court is 13.12.2023, when some more prosecution witnesses are likely to be examined. Hence, the trial would not take much time to conclude.

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

6. In the wake of the huge recovery affected from the petitioner and that too when he was already on bail in another case, under the NDPS Act, this Court does not deem it fit to accept his prayer for being released on regular bail.

7. The petition as such is dismissed.

8. However, in view of the long custody period of the petitioner, the trial Court is directed to make earnest efforts to expedite the trial and conclude it expeditiously, preferably within 4 months.

9. 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.

(MANJARI NEHRU KAUL)
JUDGE

22.11.2023
chugh

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No