

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sunil @ Bhagra
State of Punjab

CRM-M-11831-2022
Decided on : 27.07.2023
..... Petitioner

Versus

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Sehej Sandhawalia, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.249 dated 03.12.2020 under Sections 15(c)/61/85 of NDPS Act registered at Police Station Bhogpur, Jalandhar.

2. Learned counsel for the petitioner *inter alia* contends that it was on the basis of the petitioner's Aadhar Card, which was allegedly recovered from the truck in which 560 kgs of poppy husk was found, he was being implicated in the case in hand. She submits that the petitioner was neither the owner nor was he found inside the truck when a search was carried out. A prayer has therefore been made to extend the concession of regular bail to the petitioner as he has been in custody since 03.12.2020 and till date, the trial has not concluded.

3. Per contra, learned State counsel while opposing the prayer and submissions made by counsel opposite, on instructions, has submitted that a huge recovery was effected from the truck, which had been concealed beneath some scrap. The petitioner was working as a driver of the truck in question.

Learned State counsel has further submitted that the trial is nearing conclusion as 8 prosecution witnesses out of 13 cited have been examined and the remaining prosecution witnesses have been summoned for 03.08.2023. It has also been submitted that the petitioner is involved in other cases under the NDPS Act.

4. Heard learned counsel and perused the relevant material available on record.

5. As per instructions received by the learned State counsel, since the trial is nearing conclusion, this Court would not be inclined to extend the concession of bail to the petitioner, more so, when the recovery effected i.e. 560 kgs of poppy husk, in the case in hand, is huge. 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.

6. At this stage, a prayer has been made by learned counsel for the petitioner for issuance of directions to the trial court to conclude the trial expeditiously as the petitioner has been in custody since 03.12.2020.

7. Keeping in view the long period of incarceration of the petitioner, the trial court is directed to make earnest efforts to conclude the trial expeditiously preferably within a period of four months from today.

27.07.2023
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No