

CRM-M-12644-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-12644-2023
Date of Decision: July 25, 2023

Gobind SinghPetitioner(s)

Vs.

State of PunjabRespondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mikhil Kad, Advocate for the petitioner(s).
Mr. Karunesh Kaushal, AAG, Punjab.

ANOOP CHITKARA J. (ORAL)

FIR No.	Dated	Police Station	Sections
19	18.01.2021	Dirba, District Sangrur	22 and 29 of NDPS Act.

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, came up before this Court under Section 439 of Code of Criminal Procedure, 1973 (CrPC) seeking bail.
2. Counsel for the petitioner submits that the petitioner seeks bail on the ground of parity with the other co-accused, who have been granted bail by this Court vide order dated 24.04.2023 passed in CRM-M-29146-2021.
3. On the contrary, State counsel submits that the case of the petitioner is not covered on the ground of parity as he is involved in other cases of NDPS for possessing commercial quantity of contraband and the co-accused who have been granted bail by this Court, were not having any criminal antecedents.
4. A perusal of the order dated 24.04.2023 passed in CRM-M-29146-2021 reveals that it was specifically mentioned that the accused have no criminal

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antecedents whereas the petitioner has criminal history and as such no case for bail is made out on the ground of parity.

5. The petitioner's counsel submits that at this stage, he would be contended and satisfied if a direction is given to the trial court to conclude the trial in a time-bound manner and further in case the trial is not completed by the given date, he be permitted to file a fresh bail petition on the grounds of delay in the trial, in addition to the merits of the case.

6. Given above, considering the petitioner's custody, this court requests the concerned trial court to make all endeavours to conclude the trial by Oct. 31, 2023, of which the prosecution evidence be completed by Sep. 30, 2023, and the remaining time to provide an opportunity to the accused to lead defence evidence, if so desired. It is clarified that this order expediting the trial is subject to the condition that neither the petitioner shall seek any adjournment nor try to use any tactics to delay the trial. If they do so, this order of expediting the trial shall stand automatically recalled by resorting to Section 362, read with Section 482 Code of Criminal Procedure, 1973, without any further reference to this court. However, if the trial is not completed by the date mentioned above, and the delay is not attributable to the petitioner, in that situation, it shall be permissible for the petitioner to file a bail petition by taking an additional ground of delay in the trial, and such petition may be filed before the trial court or this court.

7. At this stage, counsel for the petitioner submits that during the period of custody, the petitioner has lost his eye sight.

8. Given above, the petitioner is also permitted to file fresh bail application on medical ground by annexing supporting documents in this regard. It is clarified that disposal of the present petition shall not come in the way in case the petitioner files fresh bail application on the medical ground.

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9. The petition is disposed of with the aforesaid liberty and observations. All pending applications, if any, stand closed.

(ANOOP CHITKARA)
JUDGE

July 25, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	No