

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

**CRM-M No.17260 of 2023
Date of Decision: 24.08.2023**

Parminder Singh@ Gaggu

.....Petitioner

Versus

State of Punjab

.....Respondents

BEFORE: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.(Oral)

The petitioner in the instant (third) petition is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.26 dated 02.03.2021 under Section 22(c) of the NDPS Act, registered at Police Station, Kotbhai, District Sri Muktsar Sahib. This is the third petition.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 02.03.2021 and the trial is unlikely to conclude in the near future as almost 17 prosecution witnesses remain to be examined. It has further been submitted that false recovery of 25,800 tablets of Clovedol-100 SR has been planted upon the petitioner. Learned counsel for the petitioner further asserts that in view of long incarceration of the petitioner, he be admitted to bail, more-so since he does not have any

criminal antecedents. In support of his submissions, learned counsel has placed reliance upon a judgment of the Hon'ble Supreme Court passed in the case of ***Dheeraj Kumar Shukla vs. The State of Uttar Pradesh***, in Special Leave to Appeal (Crl.) No(s).6690 of 2022, wherein the Hon'ble Supreme Court had extended the concession of bail to the accused in a case under the NDPS Act, wherein also the recovery effected fell under the category of commercial quantity.

3. *Per Contra*, learned State counsel has opposed the prayer and submissions made by the counsel opposite. It has been urged that the petitioner was apprehended with a huge consignment of 25,800 tablets of Clovedol-100 SR. It has been submitted that the next date fixed before the trial Court is 04.09.2023 when some more prosecution witnesses are likely to be examined. Learned counsel has, thus, vehemently opposed the prayer made for the grant of bail in view of the huge recovery effected from the petitioner.

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

5. No doubt, the petitioner has been in custody since 02.03.2021, however, this Court cannot lose sight of the fact that the case in hand was registered when the country was in the grip of pandemic COVID-19; the Courts were functioning in a restricted mode. In the instant case, as many as three prosecution witnesses already stand examined and as apprised by the learned counsel that some prosecution witnesses, who are all official witnesses, are likely to be examined on the next date of hearing.

6. In the facts and circumstances, as enumerated hereinabove, in particular to the huge quantity of contraband recovered, this Court does not deem it appropriate to extend the concession of bail to the petitioner. The petition is accordingly dismissed. Nothing contained hereinabove shall be construed to be an expression of opinion on the merits of the case.

7. The trial Court is directed to make earnest efforts to expedite the trial and conclude it as early as possible; preferably within the next five months.

August 24, 2023
poonam

(MANJARI NEHRU KAUL)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>