

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 18174 of 2022
Date of Decision: 05.09.2023

Charanjit @ Bittu... Petitioner

Versus

State of Punjab... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. K.S. Brar, Advocate for the petitioner.

Mr. Anmol Singh Sandhu, Astt. A.G., Punjab

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SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
91	02.10.2011	15, 25 of NDPS Act,	Jodhan, District Ludhiana

2. Report dated 09.08.2023 from Additional Sessions Judge, Ludhiana, has been received, which reveals that the supplementary challan against the present petitioner was presented on 09.02.2023 and the charge was framed on 27.04.2023. Further, out of 17 witnesses cited by the

prosecution, till date no witness has been examined and the next date for the trial is 15.09.2023.

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner has been in custody for last more than one and half year and till date no witness have been examined. He submits that no recovery has been effected from the petitioner, as such, prayed for grant of regular bail.

4. *Per contra*, learned State counsel has controverted the submissions to argue that from the possession of the co-accused apprehended on the spot, 510 kgs of poppy husk was recovered, which falls within the purview of commercial quantity and as such the petitioner is not entitled to concession of bail. He further pointed out that apart from the present case there are two other cases under NDPS Act registered against the petitioner.

5. Faced with the aforesaid situation, the learned counsel for the petitioner has very fairly stated that he will not be pressing the bail application at this stage, however sought directions to the learned trial Court to dispose of the trial in an expeditious manner.

6. In view of the statement made by learned counsel for the petitioner, the present petition stands dismissed as withdrawn. However, keeping in view the fact that till date no witness has been examined by the prosecution despite the petitioner being in custody for more than one and half year, the learned trial Court is directed to make earnest efforts by giving short dates to get the trial concluded within a period of six months from the next date of trial i.e. 15.09.2023.

7. Since the witnesses happen to be police officials, therefore, Senior Superintendent of Police, Ludhiana, Rural is also directed to get the services of prosecution witnesses and procure their presence in the Court on the date fixed by deputing *special messenger* to ensure the presence of prosecution witnesses in Court for recording their testimonies.

8. It is also made clear that the aforesaid directions will be also subject to the condition that the petitioner or his counsel shall not seek any adjournment on the date when the prosecution witnesses appear for their testimonies.

9. Petition stand disposed of.

10. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

05.09.2023

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No