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

CRM-M-18264-2020 (O&M)

Date of Decision: 08.05.2023

Manzoor Masih

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mrs. Anupam Bhanot, Advocate for the petitioner.

Ms. Jasleen Kaur Sidhu, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

CRM-47890-2022

This application has been filed under Section 439 Cr.P.C. for grant of concession of interim bail of three weeks to the petitioner.

Learned counsel for applicant-petitioner does not press this application and prays for its withdrawal.

Dismissed as withdrawn.

CRM-M-18264-2020 (O&M)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.66 dated 03.07.2019 registered under Section 21 NDPS Act, 1985 at Police Station Jhabal, District Tarn Taran. The petitioner is in custody since his arrest on 03.07.2019.

As per the prosecution case, on 03.07.2019, when the Police party was on patrol duty and coming from village Padhari, Bhojia, Panjwar and Bhojarwala, then one person was seen coming. On seeing the police, he turned back and started moving towards orchard of pear fruit. On suspicion,

he was apprehended. Search was conducted and 500 grams heroin was recovered from the possession of the petitioner.

Learned counsel has pointed out towards the long custody of the petitioner of approximately four years and submitted that the trial is yet to conclude, therefore, the petitioner be released on bail.

The prayer is opposed by learned State counsel assisted by SI Kulwant Singh, who has produced the petitioner's custody certificate dated 07.05.2023 by way of affidavit of Rahul Raja, Addl. S.P. of Central Jail Goindwal, which indicates that the petitioner was embroiled in other cases of similar nature as well. Learned State counsel has further stated that in all, there are twelve prosecution witnesses and out of those, five witnesses have been examined and the case is now coming up for recording prosecution evidence before the trial Court on 11.05.2023.

During the course of hearing, it is not disputed by learned counsel for the petitioner that the petitioner is previously convicted on three occasions for commission of similar offence punishable under NDPS Act.

Thus, considering the above background as well as the fact that only seven witnesses remain to be examined, it seems that the trial is likely to conclude in near future, therefore, without meaning any expression of opinion on the merits of this case, this Court is not inclined to extend the concession of regular bail to the petitioner.

Dismissed.

08.05.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No