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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20245-2023

Date of decision: 24.05.2023

BHIM SINGH

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Abhishek Sindhvani, Advocate
for the petitioner.

Mr. Dushyant Saharan, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

1. This is the third petition filed on behalf of the petitioner Bhim Singh under Section 439 Cr.P.C. for grant of regular bail in case FIR No.0308 dated 20.11.2019, under Sections 27-A, 21-C and 29 of the NDPS Act, registered at Police Station City Narwana, District Jind, Haryana.

2. Learned counsel for the petitioner would contend that the trial has been delayed inordinately by the prosecution and would rely upon a judgment rendered by the Supreme Court in **Dheeraj Kumar Shukla versus The State of Uttar Pradesh** in **Special Leave to Appeal (Crl.) No.6690 of 2022**, on **25.01.2023**, wherein it has been held that where a person is incarcerated for the last two and a half years, the condition of Section 37 of the NDPS Act can be dispensed with when the trial is being delayed. It is further argued that the delay

in concluding the trial is not attributable to the petitioner in any manner whatsoever since the petitioner is in custody and it is the prosecution, who is lacking in adducing its witnesses. It is also submitted that the co-accused namely Vikram @ Jagadhari has already been allowed the concession of bail by this Court in CRM-M-3531-2023 on 10.04.2023.

3. Learned State counsel would oppose grant of bail to the petitioner by contending that the trial is at its fag end as out of 22 prosecution witnesses cited, 7 have been given up and 15 stand examined.

4. I have heard learned counsel for the parties and have perused the case file.

5. In view of the fact that the prosecution has completed its evidence, no ground is made out to grant bail to the petitioner herein even on the question of parity with the co-accused.

6. Consequently, the instant petition is disposed of with a direction to the trial Court to conclude the trial as expeditiously as possible, preferably within a period of three months, from the date of receipt of the certified copy of this order.

24.05.2023
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No