

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 28785 of 2021(O&M)
Date of Decision: 11.09.2023

BALJIT SINGH @ BOBBY

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Fatehjeet Singh, Advocate for the petitioner.

Mr. Harpreet Singh, Addl. A.G., Punjab

.....

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
231	09.11.2019	22, 25, of NDPS Act,	City Jagraon, District Ludhiana (Rural)

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been in custody for last more than 3 years 9 months, challan against the present petitioner was presented on 29.04.2020 and the charge

was framed on 08.10.2021. Further, out of 17 witnesses cited by the prosecution, till date 5 witnesses have been examined and the next date for the trial is 20.09.2023. He as such, prayed for grant of regular bail to the petitioner.

3. *Per contra*, learned State counsel has controverted the submissions to argue that from the possession of the petitioner, 18,000 tablets of Tremadol Hydrochloride were recovered, which falls within the purview of commercial quantity and as such the petitioner is not entitled to concession of bail.

4. 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.

5. In view of the statement made by learned counsel for the petitioner, the present petition stands dismissed as withdrawn.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 only 5 witnesses have been examined by the prosecution despite the petitioner being in custody for more than 3 years and 10 months, in the interest of justice, the learned trial Court is directed to make earnest efforts by giving short dates to get the trial concluded preferably within a period of six months from the next date of trial i.e. 20.09.2023.

6. 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 effected and to procure their presence in the Court on the date fixed by deputing *special messenger* and to ensure the

presence of prosecution witnesses in Court for recording their testimony without fail.

7. 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 testimony.

8. Petition stand disposed of accordingly.

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

(SANJIV BERRY)
JUDGE

11.09.2023

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