

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

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2023:PHHC:106463

CRM-M-25633-2023

Date of decision: August 17th, 2023

Harjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Rajni Gupta, Advocate
for the petitioner.

Mr. Inderpal Singh Sabharwal, Deputy Advocate General,
Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.196 dated 14.12.2019 registered under Sections 21, 25, 29 of the NDPS Act, 1985 registered at Police Station Gharinda, Amritsar.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is 50% disabled and hence, it could not have been possible for him to have been driving the vehicle from which recovery of 1 kg of heroin was effected. It has been further submitted that the trial has not made much headway as only two prosecution witnesses have been fully examined, whereas the other two have been partly examined. Learned counsel submits that in the circumstances, there is no likelihood of the trial concluding in the near future.

3. Learned State counsel has, however, on instructions, submitted that the petitioner was apprehended at the spot with 1 kg heroin. It has been further submitted that the petitioner is just suffering

from locomotor disability and hence, it would not have in any manner come in the way of his driving the vehicle in question. It has also been submitted that the petitioner is involved in another case under the NDPS Act.

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

5. The petitioner was apprehended by the police on suspicion and recovery of 1 kg of heroin was effected from him. Learned State counsel submits that as per report received from the trial Court, four prosecution witnesses stand fully examined while one has been partly examined. In the circumstances, there is every likelihood that the trial shall not take much time to conclude. This Court is, therefore, not inclined to extend the concession of bail in the aforementioned facts and circumstances.

6. The instant petition, therefore, stands dismissed.

7. However, in view of the long incarceration of the petitioner, who has been in custody since 14.12.2019, the trial Court is directed to make earnest efforts to expedite the trial and conclude it preferably within the next six months.

8. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 17th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No