

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

(225)

CRM-M-25518 of 2023
DATE OF DECISION:-25.05.2023

Raja @ Bittu

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. T. P. Singh, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

(1) By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of bail pending trial in case FIR No.16 dated 04.02.2019 under Section 22 of NDPS Act 1985 registered at Police Station Longowal, District Sangrur.

(2) As per allegations in the FIR, petitioner has been implicated against the alleged recovery of 19000/- tablets of Tramadol Hydrochloride Tablets 100 Mg. besides his co-accused namely Tanveer Singh.

(3) Learned counsel for the petitioner submits that the petitioner is behind the bars for a period of more than 4 years and the trial has not concluded so far and even in the past one year only three prosecution witnesses have been examined. He further submits that the co-accused namely Tanveer Singh was granted concession of regular bail by this Court vide order dated 19.04.2022 passed in CRM-M-54631 of 2021.

(4) On the other hand, learned State counsel opposes the prayer made herein while submitting that the recovery involved in the present case is of 19000/- tablets of Tramadol Hydrochloride Tablets 100 Mg., and thus, the

petitioner does not deserve the concession of regular bail.

(5) I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

(6) In the present case, petitioner is behind the bars for a period of more than 4 years now, however, the trial has not been concluded so far as only 10 witnesses out of the total 21 cited by the prosecution have only been examined. From the *zimni* orders referred by learned counsel for the petitioner, it is apparent that during last one year, only 3 prosecution witnesses have been examined whereas, charges in the present case were framed on 18.07.2019. More than that, the co-accused namely Tanveer Singh has already been granted concession of regular bail by this Court vide order dated CRM-M-54631 of 2021 and while passing the said order one of the consideration was the snail pace of trial. The operative part thereof is reproduced hereunder:

“Perusal of the aforesaid zimni orders would show that the trial in any case will take sufficient time to conclude. Petitioner is in custody for the last 3 years, 2 months and 11 days as on 18.04.2022. Petitioner is not involved in any other case.

It appears that the trial is proceeding with snail pace despite observations made by this Court on 06.09.2021.

In view of aforesaid facts and circumstances of the case and without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.”

In view of the discussion made hereinabove, I do not see any reason to extend the incarceration of the petitioner any further, thus, the petitioner deserves the concession of regular bail.

(7) Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

25.05.2023

anil

(HARKESH MANUJA)

JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No