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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28610-2023

Date of Decision : 19.12.2023

Rupinder Kaur @ Jassu

...Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vikas Bishnoi Godara, Advocate for the petitioner.

Mr. Rahul Mohan, Sr.DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.374 dated 17.09.2016 under Section 21(b) of NDPS Act, registered at Police Station Bhuna, District Fatehabad.

Learned counsel, *inter alia*, contends that the petitioner has been in custody since 14.01.2021 for allegedly being found in possession of 32 grams of Heroin (non-commercial). Learned counsel submits that the FIR in question was registered on 17.09.2016, however, till date, the trial has not concluded and as many as 7 prosecution witnesses remained to be examined. A prayer has therefore, been made to extend the concession of bail to the petitioner.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has apprised the

Court that the delay in conclusion of the trial has occurred on account of the

petitioner having absconded during trial and that too for as long as two years. Learned State counsel further submits that though the alleged recovery was non-commercial, however, the petitioner has criminal antecedents as he is involved in 2 other cases under the NDPS Act.

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

This Court is not inclined to extend the concession of bail to the petitioner keeping in view the fact that he had earlier misused the concession of bail granted to him and had absconded during trial as a result of which the trial had been delayed.

Dismissed.

December 19, 2023

Ps

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/ reasoned : *Yes/No*
Whether reportable : *Yes/No*