

CRM-M-33641-20222023:PHHC:104018

207IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33641-2022
Date of decision: 10.08.2023

Varun Malik...Petitioner

Versus

State of Punjab...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
46	25.05.2021	Division No.4, Jalandhar	22, 61 & 85 of NDPS Act

1. The petitioner incarcerated for violating the above-mentioned provisions of Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS Act) as per the FIR captioned above, has come up before this Court under Section 439 CrPC seeking bail.
2. Counsel for the State strenuously opposed the bail on the grounds that no new circumstances have arisen.
3. Be that as it may, new circumstances cannot be taken so strictly but after arguing for considerable time, counsel for the petitioner submits that since the petitioner is in custody for more than two years, as such, he will be contended and satisfied in case, the trial be expedited
4. Given above, considering the petitioner’s custody, this court requests the concerned trial court to make all endeavours to conclude the trial by 31.10.2023, of which the prosecution evidence be completed by 30.09.2023, and the remaining time to provide an opportunity to the accused to lead defence evidence, if so desired, and to conclude its hearing. To meet the deadline, an endeavour be made to speed up the process for service and to pass the necessary directions in this regard. It is clarified that

if expediting this trial disturbs the docket of the concerned court, then a balance be struck, and if, on this account, any delay happens, then an extension can be sought by mentioning such reasons. It is clarified that this order speeding up the trial is subject to the condition that neither the petitioner shall seek any adjournment nor try to use any tactics to delay the trial. If they do so, this order of expediting the trial shall stand automatically recalled by resorting to Section 362, read with Section 482 Code of Criminal Procedure, 1973, without any further reference to this court. If any of the accused is on bail and fail(s) to attend the trial without any sufficient cause, then they be dealt with strictly but in accordance with law. However, if the trial is not completed by the date mentioned above, and the delay is not attributable to the petitioner, in that situation, it shall be permissible for the petitioner to file a bail petition in the month of November 2023, by taking an additional ground of delay in the trial, and the trial Court shall allow such petition on the ground of delay alone.

Petition disposed of in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

10.08.2023
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.