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

**CRM-M-32420-2022 (O&M)
Date of Decision: 13.02.2023**

Lala Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. L.S. Sekhon, Advocate for the petitioner.

Ms. Shivani Sharma, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.201 dated 02.09.2017 registered under Sections 15 and 25 NDPS Act, 1985 and Section 473 IPC, 1860 at Police Station Sangat, District Bathinda. The petitioner is in custody since his arrest on 22.12.2018.

As per FIR, on 01.09.2017, when the police party was on patrolling duty in the area of village Kot Guru, Mohalla, then at about 9:30 p.m., a vehicle was seen coming, which was stopped for checking. Then two persons after getting down from the vehicle, succeeded in fleeing away in cotton fields on the sides of the road by taking advantage of darkness. On checking of the vehicle, five plastic bags of poppy husk were found on rear seat, whereas six plastic bags of poppy husk with mark 'Ever Star' were found lying in the dickey of the vehicle. Upon weighing total 155 kgs of poppy husk was recovered from the bags.

Learned counsel for the petitioner has argued that the petitioner was falsely implicated in this case on the basis of his extra judicial

confession and none of the accused persons was arrested on the spot when the alleged recovery was effected from the vehicle. He further submits that the petitioner is in custody for a long time and he is not involved in any other case. He states that the charges were framed on 04.04.2019, but five prosecution witnesses still remain to be examined out of total sixteen witnesses, therefore, according to learned counsel, the trial would consume considerable time to conclude. He prays for regular bail.

Learned State counsel while oppoing the prayer has argued that the quantity of the recovered contraband is commercial in nature and she, on instructions from ASI Ranjeet Singh, further states that in all, there are sixteen prosecution witnesses and out of those, seven have already been examined, whereas four have been given up. She prays for dismissial of the bail petition.

After considering the rival submissions made by the learned counsel for the parties, it transpires that the trial is likely to conclude in near future, as only five prosecution witnesses remain to be examined and the case is now coming up before the trial Court for recording prosecution evidence on 27.02.2023. Thus, considering the above background, particularly the gravity of the offence, this Court without meaning any expression of opinion on the merits of the case, does not find it to be a fit case for extending regular bail to the petitioner. However, it is ordered that the trial be concluded expeditiously.

Dismissed.

13.02.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No