

CRM-M-32603-2023

2023:PHHC:089560

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

226

CRM-M-32603-2023

Date of Decision :-17.07.2023

Mohammad Ishaan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunny K. Singla, Advocate for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.41 dated 05.04.2020 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 188 of the IPC at Police Station Shambu, District Patiala.

Learned counsel for the petitioner submits that as per the allegations, 16 vials of Kopfree Chlorophenamine Maleate, Codeine Phosphate syrup, 25 vials of Wincrex Chlorophenamine Maleate, Codeine Phosphate, 07 vials of Wincrex Chlorophenamine Maleate, Codeine Phosphate syrup and 22 vials without batch i.e. total 77 intoxicant vials have been recovered from the petitioner but as the petitioner is in custody from last 03 years approximately, he may kindly be granted benefit of regular bail as the trial is likely to take some time before it concludes.

Learned State counsel submits that out of the total 12 cited witnesses, 09 witnesses have already been examined and the next date of

hearing before the trial Court is 20.07.2023, on which date, remaining witnesses are also likely to be examined hence, at this fag end, prayer of the petitioner for the grant of regular bail may kindly be declined keeping in view the fact that the quantity of contraband recovered from the petitioner is commercial in nature.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Though, the petitioner is claiming concession of regular bail on the basis of custody already undergone by him but keeping in view the fact that out of total 12 cited witnesses, 09 witnesses have already been examined and next date of hearing in the case before the trial Court is 20.07.2023, on which date, remaining witnesses are summoned to be examined coupled with the fact that quantity of contraband recovered from the petitioner is commercial in nature, the petitioner is not entitled for the grant of benefit of regular bail but keeping in view the facts and circumstances of the present case as noticed hereinabove, the present petition is disposed of with a direction to the trial Court to conclude the trial within a period of two months from the next date of hearing by ensuring that all the cited witnesses are examined within the time frame given.

July 17, 2023
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

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