

Neutral Citation No.2023:PHHC:162494

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-36680 of 2023 (O&M)

Date of decision : 18.12.2023

...

Mandeep Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. G.S. Thind, Advocate
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General,
Punjab, for the respondent/State

...

MANJARI NEHRU KAUL, J. (ORAL)

This is third petition filed by the petitioner under Section 439 Cr.P.C., seeking concession of regular bail in case FIR No.106 dated 28.8.2020 under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, (hereinafter referred to as 'the NDPS Act') registered at Police Station Special Task Force, District SAS Nagar, after the previous petition, seeking similar relief, was dismissed as withdrawn on 01.03.2023.

2. Learned State counsel, on instructions, has informed the Court that 6 out of the 12 prosecution witnesses, have been examined and the next date fixed before the trial court is 17.1.2024. It

has also been submitted that since only formal witnesses remain to be examined, the trial would not take much time to conclude. Learned State counsel has vehemently opposed the prayer for extending the concession of bail to the petitioner on the ground that he has criminal antecedents and is involved in two more cases under the NDPS Act, which are pending trial.

3. Learned counsel appearing for the petitioner has submitted that since the petitioner has been in custody for more than three years and the trial has not yet concluded, his further incarceration would be totally unjustified, more so, since the trial has been delayed on account of the non-appearance of the prosecution witnesses on a few occasions.

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

5. Prima facie, there are serious allegations against the petitioner qua whom a secret information was received; pursuant to the secret information, the petitioner was allegedly apprehended with 2500 tablets of Tramadol Hydrochloride (totalling 1 kg 7 grams), which has been classified as commercial under the NDPS Act. The petitioner is stated to be involved in two other cases under the NDPS Act.

6. In the facts and circumstances, as enumerated hereinabove, more so, since the petitioner comes across as a man of criminal antecedents, this court would not be inclined to extend the concession of bail to the petitioner.

7. The petition as such is dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. At this stage, a prayer has been made by learned counsel appearing for the petitioner that since the petitioner has been in custody for more than 3 years, the trial Court be directed to expedite the trial and conclude it at the earliest.

10. The trial Court is directed to make earnest efforts to expedite the trial and conclude it at the earliest, preferably within 04 months.

(**MANJARI NEHRU KAUL**)
JUDGE

18.12.2023
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Whether speaking / reasoned Yes / No

Whether reportable Yes / No