

2023:PHHC: 151891

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

CRM-M-36486-2023

Date of decision: 29.11.2023

GURMAIL SINGH**.....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. This is fifth petition under Section 439 Cr.P.C., whereby petitioner is seeking the concession of bail in case FIR No.202 dated 04.10.2019 under Sections 22 of NDPS Act, registered at Police Station Goraya, District Jalandhar Rural.

2. Affidavit of Mukhwinder Singh Bhullar, PPS, Senior Superintendent of Police, Jalandhar (Rural) on behalf of respondent-State, has been filed in Court today, which is taken on record and a copy thereof has been supplied to the counsel opposite.

3. Learned counsel for the petitioner submits that though he was arrested way back on 04.10.2019, however, till date the trial has not concluded as prosecution evidence is still underway. He submits that in these circumstances, the petitioner could not be made to remain in custody as it would amount to compromising the liberty granted to him under Article 21 of the Constitution of India.

4. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has submitted that a huge recovery of 5000 tablets of Tramadol was effected from the petitioner, which falls under the commercial quantity.

5. It has also been submitted on instructions that the trial is nearing conclusion as only 2 prosecution witnesses remain to be examined and the next date fixed before the trial Court is 12.12.2023, when in all likelihood the evidence would stand concluded.

6. Learned State counsel has thus prayed for dismissal of the instant petition.

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

8. Since the trial will not take much time to conclude, this Court would not be inclined to extend the concession of bail to the petitioner.

9. Without expression of any opinion in the merits of the case, the instant petition stands dismissed.

10. Since the petitioner has been in custody for more than 4 years having been arrested on 04.10.2019, the trial Court concerned is directed to positively conclude the trial on or before 31.01.2024.

29.11.2023

manoj

(MANJARI NEHRU KAUL)
JUDGE

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