

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(201)

CRM-M No. 40324 of 2023

Date of Decision : 07.11.2023

Lalit Mohan

...Petitioner

Versus

State of Punjab

...Respondent

***CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present: Mr. Kamal Chaudhary, Advocate for the petitioner.

Mr. Rohit Ahuja, Deputy Advocate General, Punjab.

\*\*\*

**Harsimran Singh Sethi J. (Oral)**

Present is the 2<sup>nd</sup> petition, which has been filed for the grant of regular bail to the petitioner in case FIR No. 133 dated 03.07.2021, registered under Sections 20, 61 and 58 of NDPS Act, Police Station Division-VI, Jalandhar (Punjab.)

It may be noticed that though, in the heading it has been mentioned that it is the second petition but no detail of the first petition as to whether, the same was dismissed on merit or was withdrawn, has been mentioned. Learned counsel for the petitioner concedes that first bail petition was decided on merits. This shows the conduct of the petitioner to secure a bail by misleading the Court.

Learned counsel for the petitioner argues that the petitioner is behind bars for the last two years and four months, hence, the petitioner be granted the concession of regular bail. As per the fact mentioned in the petition, 1kg. 20 grams of the Charas was recovered

from the possession of the petitioner, which is commercial in quantity. Keeping in view the said recovery, a detailed order was passed by taking into consideration all the arguments raised, deciding the bail petition on merits on 23.02.2022 rejecting the prayer for the grant of regular bail.

As of the status of the trial, out of the total 10 witnesses, six witnesses have been examined and the petitioner was given a concession that an order directing the trial Court to conclude the trial within a period of three months can be passed but the petitioner refused to accept the said concession. This shows that the petitioner is only interested in the grant of bail despite the fact that the contraband, which is commercial in nature, was recovered from him along with his co-accused and there is a bar under Section 37 of NDPS Act and this Court is of the view that grant of bail will be contrary to Section 37 of NDPS Act keeping in view the facts of this case as well as conduct of the petitioner.

Keeping in view the conduct of the petitioner as well as keeping in view the facts and circumstances of the present case that out of 10 witnesses, 06 witnesses have already been examined, the grant of regular bail is declined to the petitioner.

However, the trial Court is directed to conclude the trial within a period of three months from the next date of hearing positively.

Dismissed.

**November 7<sup>th</sup>, 2023**  
*kanchan*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

*Whether speaking/reasoned : Yes/No*

*Whether reportable : Yes/No*