

CRM-M-44517-2022

Neutral Citation No.:2023:PHHC:111203

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44517-2022
Reserved on: 17.08.2023
Pronounced on: 24.08.2023

Kali @ Surinder Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amaninder Singh Sekhon, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
72	06.07.2018	City Fazilka, District Fazilka	302/201/34 IPC

1. The petitioner incarcerated for violating the above-mentioned provisions of Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS Act) per the FIR captioned above, has come up before this Court under Section 439 CrPC seeking bail.
2. The petitioner contends that the prosecution witnesses did not support the prosecution’s case in the trial, and there is no material for conviction against the petitioner. Hence pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
3. While opposing the bail, the State contends that the petitioner is a previous convict under NDPS Act and in the present case the trial is at an advanced stage, and any observation made by this court might impact its outcome.

REASONING:

4. The petitioner’s counsel has handed over copies of the statements of five PWs, who are the material witnesses to substantiate that the deceased was a drug addict.

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However, the prosecution's case is that the accused injected lethal quantity of intoxicants in his body to get rid of the deceased's repeated threats of implicating them in a case if they failed to provide him drugs. Be that as it may, the trial is at an advance stage, and any observation by this court at this stage might prejudice the prosecution, complainant, or the accused.

6. Even earlier, this court had rejected the bail after keeping the allegations in the backdrop. Given above, the petitioner fails to make a case for bail.

7. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

The petition is dismissed. All pending applications, if any, stand closed. However, considering the petitioner's right to speedy trial coupled with the pre-trial incarceration, this court requests the concerned trial court to make all endeavours to conclude the trial by Oct 31, 2023, of which the prosecution evidence be completed by Sep 30, 2023, and the remaining time to provide an opportunity to the accused to lead defence evidence, if so desired, and to conclude its hearing. To meet the deadline, an endeavour be made to speed up the process for service and to pass the necessary directions in this regard. It is clarified that if expediting this trial disturbs the docket of the concerned court, then a balance be struck, and if, on this account, any delay happens, then an extension can be sought by mentioning such reasons. It is clarified that this order speeding up the trial is subject to the condition that neither the petitioner shall seek any adjournment nor try to use any tactics to delay the trial. If they do so, this order of expediting the trial shall stand automatically recalled by resorting to Section 362, read with Section 482 Code of Criminal Procedure, 1973, without any further reference to this court. If any of the accused is on bail and fail(s) to attend the trial without any sufficient cause, then they be dealt with strictly but in accordance with law. It is clarified that if the trial is not concluded by the date mentioned above, and if the delay is not attributable to the petitioner, then the petitioner may file an application for bail before the trial court, which shall decide it expeditiously and consider the bail on the grounds of pre-trial custody. Petitioner is also at liberty to file bail petition before the trial Court on merit and if such application is filed, the trial Court shall decide the same on its merit without influenced by the previous rejection by this Court or trial Court.

(ANOOP CHITKARA)
JUDGE

24.08.2023

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Whether speaking/reasoned:

Yes

Whether reportable:

No.