

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

258

CRM-M-47816-2023

Date of Decision: 11.10.2023

Anoop Kumar Sharma**.....Petitioner(s)****Vs.****State of Punjab****.....Respondent(s)****CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Lakshay Bector, Advocate for the petitioner(s).

Mr. Ravinder Singh, AAG, Punjab

ANOOP CHITKARA J. (ORAL)

Present second petition has been filed by the petitioner seeking grant of regular bail in case FIR No.24 dated 08.03.2021, registered at Police Station Division No.1, District Ludhiana, under Sections 22-C, 29 of NDPS Act, 1985

2. Counsel for the petitioner submits that the petitioner is entitled for grant of regular bail on the ground of parity with main accused-Kuldeep Kumar @ Bijli, who had been granted bail by this Court vide order dated 18.04.2023 passed in CRM-M-51688-2022 and also on the ground of prolonged incarceration.

3. Counsel for the State submits that petitioner is involved in five more cases including the present one, out of which 4 are under NDPS, whereas the accused-Kuldeep Kumar @ Bijli was not having any criminal history, as such, the petitioner is not entitled to bail on the ground of parity with accused Kuldeep Singh @ Bijli as well as on the basis of prolonged incarceration in view of judgment passed in *Dheeraj Kumar Shukla v. The State of Uttar Pradesh [SLP (Crl) 6690-2022]*, decided on 25 Jan 2023, because of massive criminal history.

4. Given above, no ground to grant of bail to the petitioner is made out and the present petition is dismissed. However, keeping in view the custody of petitioner, trial Court is directed to make all endeavours to conclude the trial by 30.04.2024 out of which the prosecution evidence be completed by 31.03.2024 and the remaining time to provide an opportunity to the accused to lead defence evidence, if so desired, and to conclude its hearing, if there is no other direction by this Court. To meet the deadline, an endeavour be made to speed up the process for service. It is clarified that if expediting this trial disturbs the docket of the concerned court, then a balance be struck. 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.

5. It is also clarified that in case the trial is not concluded within the stipulated time period and the delay is not attributable to the petitioner-accused, in that eventuality, the petitioner shall be at liberty to file bail application before the trial Court by taking an additional ground of delay in the trial and the petition so filed be decided immediately without being influence by earlier rejection by this Court or trial Court.

(ANOOP CHITKARA)
JUDGE

11.10.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	No