

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

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2023:PHHC:134828

CRM-M-51291-2023

Date of decision: October 16th, 2023

Sewak Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

This is a third petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.0058 dated 11.06.2020 under Sections 15 and 18 of the NDPS Act, 1985, registered at Police Station Baghapurana, District Moga.

2. Learned counsel for the petitioner submits that the petitioner has been in custody for 3 years, 3 months and 27 days having been arrested on 11.06.2020. Learned counsel submits that on the ground of his long incarceration alone, the petitioner deserves to be enlarged on regular bail as the evidence is still underway and there is no likelihood of the trial concluding in the near future.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has submitted that as many as ten prosecution witnesses have been examined out of the 14 cited and hence, trial would not take much time to conclude. Learned State counsel has placed on record the custody certificate of the petitioner, which is taken on record subject to just exceptions.

Learned State counsel while drawing the attention of this Court to the

custody certificate has submitted that the petitioner is a man of criminal antecedents as he is involved in a couple of other cases registered under the NDPS Act.

4. Learned counsel appearing for the petitioner has, however, controverted the submissions made by the State counsel qua ten prosecution witnesses having been examined. He submits that as per his instructions, only six prosecution witnesses out of the 14 have been examined.

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

6. Be that as it may, in view of the huge recovery of contraband i.e. 100 kilograms of poppy husk allegedly recovered from the boot of the vehicle, in which the petitioner was travelling with co-accused, coupled with another recovery of 22 grams of opium, this Court does not deem it fit to extend the concession of bail to the petitioner. *Prima facie*, the petitioner comes across as a habitual offender.

7. Accordingly, the instant petition stands 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. However, the trial Court is directed to make earnest efforts to conclude the trial expeditiously, preferably within the next four months.

October 16th, 2023

Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No