

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

233

2024:PHHC:036103
CRM-M-6011-2024
Date of decision: March 13th, 2024

Sudhir Kumar
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Manoj R. Sharma, Advocate
for the petitioner.

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

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.117 dated 24.10.2020 under Section 20(C) of the NDPS Act registered at Police Station Behrampur, District Gurdaspur.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case and a recovery of 2 kilograms, 200 grams of charas planted upon him. Learned counsel has submitted that the petitioner has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act, which further lends credence to his false implication in the instant case. Learned counsel submits that since the petitioner has now been in custody for more than 3½ years having been arrested on 24.10.2020 and the trial still not having concluded, he be extended the concession of bail as there is no possibility 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 disputed the submissions made by the counsel for the petitioner qua the status of the trial. It has been submitted, on instructions from ASI Jagir Chand, that in fact, the trial is nearing conclusion as all the prosecution witnesses stand examined and on the next date of hearing, the statement of the accused under Section 313 of the Cr.P.C. would be recorded. It has also been submitted that the recovery effected from the petitioner has been classified as commercial under the NDPS Act.
4. I have heard learned counsel for the parties and perused the relevant material on record.
5. No doubt, the petitioner has been in custody since 24.10.2020, however, the trial would not take much time to conclude as on the next date of hearing, statement of the accused under Section 313 of the Cr.P.C. would in all likelihood be recorded.
6. Thus, this Court does not deem it fit to extend the concession of bail to the petitioner at this stage.
7. The instant petition stands dismissed.
8. 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 learned trial Court is directed to make earnest efforts to expedite the trial and conclude it preferably within the next three months from today.

March 13th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No