

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

CRM-M No.6601 of 2024
Date of decision: 14th February, 2024

Varinderpal Sharma @ Kala

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Balbir K. Saini, Advocate for the petitioner.

Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.244 dated 04.12.2020 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the Act added later on) registered at Police Station Amargarh, District Sangrur.

2. Learned counsel for the petitioner inter alia contends that the petitioner, who has been in custody since 04.12.2020, has been falsely implicated in the case in hand; even as per the case of the prosecution he was riding a motorcycle when he along with co-accused were signaled by the police party to stop on suspicion. No recovery of any contraband much less any intoxicant tablets was effected from him.

Learned counsel further submits that even as per the case of the

prosecution, it was the co-accused Satnam Singh @ Satna who got nervous on seeing the police party and threw away a polythene bag containing the allegedly recovered intoxicant tablets of Tramadol. Learned counsel submits that the petitioner has clean antecedents and even though the entire evidence of the prosecution as well as the defence stood recorded by 21.04.2023, trial had not concluded and the case was being adjourned on some pretext or the other. He submits that in the facts and circumstances, the petitioner could not be made to languish in custody for no fault of his.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute that the petitioner has clean antecedents and has never been involved in any other criminal case much less under the NDPS Act. He has also not disputed that even as per the case of the prosecution, it was co-accused Satnam Singh who allegedly threw the packet containing the recovered contraband, on seeing the police party. However, learned State counsel submits that the recovery effected in the case at hand has been classified as commercial quantity under the Act. He has also not disputed that the trial has come to a virtual standstill after 21.04.2023 i.e. the date when the evidence of the defence concluded.

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

5. The trial is nearing conclusion and is at its fag end, this Court would thus, not be inclined to enlarge the petitioner on bail. The petition stands dismissed. 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.

6. Since the petitioner has been in custody for more than 3 years, having been arrested on 04.12.2020 and the case has been lingering on for the past almost 10 months, the trial Court is directed to make earnest efforts to conclude the trial expeditiously, preferably within a period of next six weeks.

(MANJARI NEHRU KAUL)
JUDGE

February 14, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No