

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

219

2024:PHHC:027140

CRM-M-20092-2023

Date of decision: February 27, 2024

MOHAMMAD ASLAM @ ASLAM

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.114 dated 24.11.2021 (Annexure P-1) under Sections 21, 22C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Badali Ala Singh, District Fatehgarh Sahib.

2. Learned counsel for the petitioner *inter alia* contends that even though the petitioner was arrested way back on 24.11.2021 for having been allegedly found in possession of just 500 mg of heroin along with 1350 intoxicant tablets, however, till date, the trial had not concluded. It has been further submitted that the petitioner has clean antecedents as far his involvement in any other case under the NDPS Act is concerned.

3. Learned State counsel has filed the affidavit of the Senior Superintendent of Police, Fatehgarh Sahib on behalf of the respondent-State in the Court today, which is taken on record subject to just exceptions. Learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has submitted that the trial is nearing conclusion as 11 prosecution

witnesses stand examined while 6 have been given up and the remaining 2 are in all likelihood to be examined on the next date fixed before the learned trial Court i.e. 28.02.2024. 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 placed on record.

5. No doubt the petitioner has been in custody since 24.11.2021, however, this Court would not be inclined to admit him to bail at this stage when the trial is nearing conclusion. This Court can also not turn a blind eye to the recovery allegedly effected from the petitioner, which concededly has been classified as 'commercial' under the NDPS Act.

6. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner.

7. The petition stands dismissed.

8. At this stage, learned counsel for the petitioner has prayed that keeping in view the long custody period of the petitioner, appropriate directions be issued to the learned trial Court to expedite the trial and conclude it expeditiously within a time bound manner. The learned trial Court is, therefore, directed to make earnest efforts to expedite the trial and conclude it preferably within the next 3 months.

9. 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.

February 27, 2024

Jaspreet Kaur

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No