

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

CRM-M-26718-2023 (O&M)

Date of decision : 05.02.2024

SHUBHAM BHALLA

....Petitioner

Versus

UNION OF INDIA AND ANR.

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Raj Kumar Gupta, Advocate for the petitioner.

Ms. Puneeta Sethi, Sr. Panel Counsel for respondent No.1-UOI

Mr. Tarun Aggarwal, Sr. DAG, Punjab for respondent No.2

Mr. Rajiv Sharma, Advocate for PGI.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.23 dated 6th of May, 2019 registered for the offences punishable under Sections 8, 22, 29 and 60 of NDPS Act, 1985 at Police Station Narcotics Control Bureau (NCB), Chandigarh.

2. Petitioner is in custody since 7th of May, 2019. Meaning thereby that the custody of the petitioner is almost nearing 5 years.

3. Counsel for the petitioner is not in position to dispute that this Court has already dealt with the bail pleas of co-accused in CRM-M-42408 of 2022, CRM-M-33540 of 2023, CRM-M-34233 of 2022 all decided vide common order dated 25th of August, 2023 rejecting the bail plea.

4. Counsel for the petitioner however submits that the petitioner has a right to speedy trial and his bail plea ought to be tested on the touchstone of Article 21 of the Constitution of India.
5. Having heard rival contentions of counsels representing the parties, at this stage this Court is not going into the question: '*whether the petitioner is on parity with co-accused Harpreet Singh as submitted by counsel for the petitioner?*'. The present petition is disposed off with the direction to the Special Court to conclude the trial by drawing schedule for examination of the remaining witnesses as 13 out of 31 cited witnesses already stand examined.
6. This Court is quite sanguine that the NCB shall cooperate and shall not seek any adjournment so that timelines as scheduled by the Court are adhered to.
7. Keeping in view the right of the petitioner, in case the trial is not concluded within 4 months from the next date of hearing fixed before the Trial Court, he shall be at liberty to approach this Court seeking release on regular bail. However, the same is subject to the condition that none of the accused shall be reason for the delay in trial.
8. Ordered accordingly.

February 05, 2024
Dpr

(Pankaj Jain)
Judge

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