



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

218

CRM-M-35916-2024

Date of decision: 02.08.2024

Charno

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Lakhwinder S. Sidhu, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (third) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.05 dated 07.01.2023 under Sections 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station City Khanna, Police District Khanna, District Ludhiana.

2. Learned counsel for the petitioner submits that no doubt it is the third petition filed by the petitioner, however, the trial had not proceeded after the withdrawal of the earlier petition. Learned counsel submits that the petitioner has now been in custody since 07.01.2023, challan was presented on 16.05.2023 and thereafter charges framed on 29.05.2023. While drawing the attention of this Court to the zimni orders which have been annexed as Annexure P-5, learned counsel has submitted that none of the 12 prosecution witnesses had been examined



till 24.07.2024 i.e. the date when the present petition was filed. He submits that even otherwise a false recovery of 3.5 kgs of charas has been planted upon her. Learned counsel submits that in the aforementioned facts and circumstances, the petitioner, who has no criminal antecedents, cannot be made to languish in custody for an indefinite period to await recording of evidence of the prosecution witnesses.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has disputed the stage of trial. It has been submitted by the learned State counsel that a huge recovery of 3.5 kgs of charas was effected from a car in which the petitioner along with the co-accused was travelling; after due compliance of all the mandatory provisions of the NDPS Act, the alleged recovery was then effected. It has also been submitted that three prosecution witnesses have been examined and one given up and now only eight prosecution witnesses remain to be examined and hence, the trial would not take much time to conclude as the next date fixed before the learned Trial Court is 16.08.2024.

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

5. In the wake of the instructions received by the learned State counsel coupled with the recovery of the contraband allegedly effected from the petitioner, which has been classified as commercial under the NDPS Act, this Court does not deem it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is hereby dismissed.

7. At this stage, a prayer has been made by learned counsel for the petitioner for issuance of directions to the learned Trial Court for expeditious conclusion of the trial in view of long custody period of the petitioner.

8. The learned Trial Court is directed to make earnest efforts to conclude the trial expeditiously, preferably within next four months, however, it is made clear that both the prosecution and the defence shall cooperate in the expeditious conclusion of the trial and would not take any unnecessary adjournments.

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.

02.08.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No