



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

252

CRM-M-41603-2024

Date of decision: 02.09.2024

Gurjeet Singh @ Teena Sodhi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parminder Singh Sekhon, 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.103 dated 04.08.2021 under Sections 22-C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Dialpura, District Bathinda.

2. Learned counsel for the petitioner submits that the petitioner has been in custody for more than three years having been arrested on 04.08.2021. Even though charges were framed way back on 16.03.2022, however, till date the trial had not concluded as from the last nine dates repeated adjournments had been sought by the prosecution. Learned counsel submits that in the circumstances, the petitioner could not be made to languish in custody for reasons attributable to the prosecution and prosecution alone.

3. Per contra, learned State counsel while opposing the prayer



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and submissions made by learned counsel for the petitioner, on instructions, has submitted that the petitioner was nabbed on suspicion and thereafter a huge recovery i.e. 40000 tablets of Tramadol along with 50 vials of cough syrup was effected, that too after compliance of all the mandatory provisions of the NDPS Act. It has also been submitted that the petitioner is involved in two other cases for offences under the IPC. However, learned State counsel has not been able to controvert the stage of trial and it has been submitted that the next date fixed before the learned Trial Court is 09.09.2024 when in all likelihood the remaining five witnesses would be examined. A prayer has been made by learned State counsel for dismissal of the instant petition in view of the huge recovery of contraband effected from the petitioner.

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

5. No doubt, the petitioner has been in custody for more than three years having been arrested on 04.08.2021. Prima facie, the recovery effected from the petitioner is huge which has been classified as commercial under the NDPS Act. Thus, in view of the huge recovery allegedly effected from the petitioner, this Court is not inclined to extend the concession of bail to the petitioner. Accordingly, the instant petition is hereby dismissed.

6. 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.

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7. Since the petitioner is in custody for more than three years, the learned Trial Court is directed to expedite the trial and conclude the same at the earliest, preferably on or before 31.12.2024.

02.09.2024

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**(MANJARI NEHRU KAUL)
JUDGE**

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