

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

240

2024:PHHC:022019
CRM-M-56199-2023
Date of decision: February 15, 2024

RAHUL
...Petitioner

Versus

STATE OF UT CHANDIGARH
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Satish Saini, Advocate
for the petitioner.

Mr. Viranjeet Singh Mahal, Addl. P.P., U.T. Chandigarh
with SI Sumer Singh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.119 dated 05.08.2021 (Annexure P-1) under Sections 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Industrial Area, District Chandigarh.
2. Learned counsel for the petitioner *inter alia* contends that false allegations have been levelled against the petitioner in the FIR in question, which has been annexed as Annexure P-1, wherein it has been alleged that the petitioner along with the co-accused Sanjay was found to be in possession of 45.1 kgs of *ganja*. Learned counsel submits that the petitioner has been in custody since 05.08.2021 and charges stand framed on 08.02.2022, however, till date, the prosecution evidence has not concluded and hence, the petitioner could not be made to suffer incarceration for an indefinite period.

3. *Per contra*, while opposing the prayer and submissions made by the learned counsel for the petitioner, learned State counsel, on instructions, has submitted alleged recovery effected from the petitioner and the co-accused has been classified as ‘commercial’ under the NDPS Act. Learned State counsel has, on still further instructions, informed the Court that the trial would not take much time to conclude as 7 out of 21 witnesses cited by the prosecution already stand examined and 2 of the remaining have been summoned for the next date fixed before the learned trial Court. A prayer has, therefore, been made for dismissal of the instant petition.

4. On a pointed query put to the learned State counsel as to whether the petitioner has any criminal antecedents, he, on instructions, has replied in the negative. He has also filed the custody certificate of the petitioner in the Court today, which is taken on record subject to just exceptions.

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

6. In the facts and circumstances as enumerated hereinabove, coupled with the alleged recovery effected from the conscious possession of the petitioner and the co-accused, which has been classified as ‘commercial’, this Court would not be inclined to enlarge the petitioner on bail.

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 shall make earnest efforts to expedite the trial and conclude it expeditiously, preferably within the next four 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 15, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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