



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

249

CRM-M-5427-2025

Date of decision: February 4th, 2025

Richhpal @ Sukha

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kuldeep Singh Siwach, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.464 dated 02.09.2018 under Section 22-B of the NDPS Act, registered at Police Station Sadar Ratia, District Fatehabad.

2. Learned counsel for the petitioner contends that the petitioner was apprehended by the police on 02.09.2018 on mere suspicion, following which a recovery of 100 tablets of tramadol was allegedly effected from the pocket of his trousers. It is submitted that the petitioner has been falsely implicated, particularly in light of the fact that he has no previous criminal antecedents and has never been involved in any case under the NDPS Act.

3. It is further argued that the petitioner was initially granted bail on 05.10.2018 and continued to appear before the learned trial Court until 05.03.2020. During this period, the challan was presented, and charges were framed. However, due to the outbreak of COVID-19

pandemic, the petitioner failed to appear after 08.07.2020. Learned counsel attributes this absence to a miscommunication between the petitioner and his counsel, coupled with the mistaken belief that his presence was not required before the trial Court owing to the pandemic-related disruptions.

4. It has been further submitted that the petitioner was subsequently re-arrested on 05.12.2024. Learned counsel submits that, given the slow progress of the trial, wherein only two out of 11 prosecution witnesses have been examined, there is no likelihood of an expeditious conclusion. Hence, the petitioner be extended the concession of bail.

5. *Per contra*, learned State counsel has strenuously opposed the prayer and submissions made by the learned counsel for the petitioner.

6. It is contended that while the COVID-19 pandemic did disrupt judicial proceedings to some extent, the claim of the petitioner of misconception does not hold merit. Learned State counsel has emphasized, on instructions, that the petitioner did not surrender voluntarily but was arrested long after normal Court functioning had resumed. Learned State counsel argues that this conduct indicates a deliberate evasion of the judicial process.

7. Further, learned State counsel has submitted that if released on bail, there exists a serious and genuine apprehension that the petitioner may once again abscond, thereby further delaying the conclusion of the trial.

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

9. The petitioner's prolonged absence from the trial Court proceedings, spanning more than four years, is a matter of grave concern. His failure to appear before the trial Court after 08.07.2020, despite the gradual resumption of Court functioning, indicates a clear disregard for the judicial process. The explanation given of miscommunication and misconception, is neither plausible nor convincing, particularly given the extended duration of the petitioner's non-appearance.

10. The conduct of the petitioner, coupled with the fact that he had to be re-arrested, raises a reasonable apprehension that he may once again default in appearing before the trial Court, if released on bail. Such a possibility cannot be ignored, especially in cases under the NDPS Act, where strict compliance with procedural mandates is imperative.

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

12. Accordingly, the instant petition stands dismissed.

13. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

14. The learned trial Court is directed to expedite the trial and conclude it at the earliest preferably within the next five months.

February 4th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No