



CRM-M-34154-2024

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

CRM-M-34154-2024
Decided on: 09.01.2025

Shiv Kumar

.... Petitioner

versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

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

Mr. Surya Kumar, AAG, Punjab.

Deepak Gupta, J. (Oral)

By way of this petition filed under Section 439 Cr.PC, petitioner prays for his release on regular bail in case FIR No.98 dated 23.10.2023 registered under Sections 18 and 29 of NDPS Act (Act No.618/1985) at Police Station Chamkaur Sahib District Ropar. It is his second petition. The earlier petition bearing CRM-M-22379-2024 was dismissed as withdrawn.

As per prosecution's allegations, 3 kgs of opium was recovered from the possession of the petitioner on 23.10.2023. Learned counsel contends that petitioner is already in custody for the last 1 year and 2 months. Although it is conceded that he is involved in one more case bearing FIR No.68 dated 19.08.2023 registered at Police Station Kathgarh under Sections 18 and 29 of NDPS Act, but it is submitted that the said case pertained to non-commercial category.



Learned State counsel has placed on record the custody certificate revealing the custody period of the petitioner to be 01 year, 02 months and 14 days. The petitioner is involved in one more case under the NDPS Act. However, it is informed by the State counsel that after conclusion of investigation, challan was filed on 09.01.2024. Charges were framed on 16.03.2024 and that out of 15 witnesses cited by the prosecution, 8 have already been examined; 04 have been given up and only 03 witnesses are left to be examined.

Since only 03 witnesses are left to be examined, therefore, this Court is not inclined to grant the benefit of regular bail to the petitioner. However, the present petition is disposed of but with a direction to the trial Court to expedite the trial.

09.01.2025
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(DEEPAK GUPTA)
JUDGE

Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No