



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

227

CRM-M-51697-2024

Date of decision: 10.01.2025

Shamsher Singh @ Samma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (third) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.60 dated 26.05.2022 under Sections 21, 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Kot Ise Khan, District Moga.

2. Learned counsel for the petitioner submits that the conclusion of the trial has been inordinately delayed on account of the prosecution taking repeated adjournments. It has also been submitted that a false case has been planted upon the petitioner, who was allegedly nabbed on the basis of suspicion on 26.05.2022. A prayer has, therefore, been made for extending the concession of bail to the petitioner.

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 from SI Sunita Rani, has submitted that although it was a chance recovery, however, when the petitioner was nabbed on suspicion, a huge recovery of 250 tablets of Etizolam along with 15 grams of Heroin was effected from the motorcycle on which the petitioner was riding along with the co-accused. Learned State counsel has refuted the submissions made by the counsel opposite qua the petitioner's false implication in the instant case by urging that it is a matter of record that the petitioner is facing trial in another case under the NDPS Act registered at a different police station. Learned State counsel has still further brought to the notice of this Court, on instructions, that four prosecution witnesses already stand examined with one witness having been given up; next date fixed before the learned Trial Court is 14.01.2025 when some of the remaining eight prosecution witnesses have been summoned, hence, there is every likelihood that the trial would not take much time to conclude. A prayer has, therefore, been made for dismissal of the instant petition in the light of the submissions made by the learned State counsel.

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

5. The petitioner was apprehended along with a huge contraband weighing approximately 33.7 grams of Etizolam which is much above the minimum prescribed under the NDPS Act. In addition, another recovery of 15 grams of Heroin was effected. Only eight prosecution witnesses remain to be examined and in all likelihood as

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per instructions received by the learned State counsel, they would be examined on the next date of hearing i.e. 14.01.2025. In the circumstances, no ground is made out 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.

7. At this stage, a request has been made by learned counsel for the petitioner for directing the learned Trial Court to expedite the trial in view of the long incarceration of the petitioner.

8. The learned Trial Court shall make earnest efforts to conclude the trial expeditiously, preferably within a period of three months from today.

10.01.2025

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**(MANJARI NEHRU KAUL)
JUDGE**

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