

2025:PHHC:065871



207.

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

CRM-M-34275-2024

Date of decision: 16.05.2025

Sanjay Kumar

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Harish Sharma, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.27, dated 05.04.2023, under Sections 18C/61/85 of NDPS Act, registered at Police Station Badali Ala Singh, District Fatehgarh Sahib.

2. On the last date of hearing i.e. 28.04.2025, the following order was passed:-

“In compliance of order dated 17.03.2025, short affidavit dated 26.04.2025 of Raj Kumar, PPS, Deputy Superintendent of Police, Sub-Division Bassi Pathana, District Fatehgarh Sahib, on behalf of respondent-State, has been filed in Court today, which is taken on record subject to all just exceptions.

A perusal of said affidavit clearly reveals that trial has not proceeded only on account of repeated non-appearance of

the prosecution witnesses, who, in the present case, are all police officials. It also stands revealed that the Trial Court has issuedailable warrants on some dates of hearing to secure the presence of the prosecution witnesses, however, it has been in vain. Furthermore, it stands reflected that one of the co-accused, who had been extended the concession of bail, has absented himself before the Trial Court leading to the issuance of non-ailable warrants against him.

The Senior Superintendent of Police, Fatehgarh Sahib, shall remain present in Court on the next date of hearing.

Adjourned to 16.05.2025.”

3. In compliance of order dated 28.04.2025, Mr. Shubham Aggarwal, IPS, Senior Superintendent of Police, Fatehgarh Sahib, has appeared and has tendered his unconditional apology for the repeated absence of some of the prosecution witnesses. He submits that the matter has been looked into and appropriate correctional steps are being taken in the said regard. It has been assured that in future, no such complaint will be received with respect to the prosecution witnesses for their repeated non-appearance.

4. Learned State counsel, on further instructions, submits that the trial is nearing conclusion as all but one prosecution witness stands examined and the remaining witness is to be examined through online mode since he is based out of Nagaland.

5. In the circumstances and keeping in view the stage of trial and the huge recovery effected in the present case, this Court does not deem it fit to extend the concession of bail to the petitioner.

6. Present petition stands dismissed accordingly.
7. However, the Trial Court shall ensure that the trial is concluded at the earliest; the prosecution shall also extend full cooperation in the expeditious conclusion of trial.
8. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 16, 2025
sanjeev

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