

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18617-2017

Date of Decision: September 05, 2017

V.Venkatesh

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDHIR MITTAL**

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mrs.G.K.Mann, Advocate
for the petitioner.

Mrs.Manjri Nehru Kaul, Addl.AG, Punjab

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SURYA KANT, J.

In this second petition filed under Section 439 Cr.P.C., the petitioner seeks his enlargement on regular bail in case FIR No.228, dated 28.06.2014, under Sections 21, 22, 25, 25A, 27, 29, 61, 85 of the Narcotics Drugs and Psychotropic Substances Act, 1985 (for brevity, 'the NDPS Act'), registered at Police Station Tripri Town, District Patiala. Sections 9, 9A of the NDPS Act and Sections 471 and 489 IPC have also been added later on.

[2] The FIR was registered on the basis of secret information to the effect that various persons including Shiva Kumar s/o M.Raju, V.Venkatesh s/o Vishwanathan (petitioner), Suresh Kumar, Manni @ Rajesh Kumar, Ashwani Kumar Chhabra, Rahiman, a resident of Malaysia and Cherry etc.

have formed a gang to smuggle and supply intoxicating material including chemicals, medicines and synthetic drugs and they were also supplying such illicit drugs in Patiala and Rajpura area of Punjab. Five out of eight members of the gang including the petitioner were apprehended in an Indica car while they were coming from Delhi at Shambu border (Punjab and Haryana) and cash amount of Rs.1.60 crores Indian currency besides synthetic drugs were recovered from their vehicle/person. In addition to the cash, 760 grams powder was statedly recovered from the petitioner which contained diphenoxylate. The petitioner was arrested on 30.06.2014 and is in custody since then.

[2] The petitioner seeks his enlargement on the grounds that (i) he has spent more than three years in custody; (ii) the trial is not likely to be concluded very soon; (iii) there are so many lacunae in the prosecution case; (iv) the petitioner was in fact arrested from Delhi and not at Shambu border while entering the State of Punjab.

[3] The State of Punjab, on the other hand, opposes the prayer. It is averred in the affidavit that 24 witnesses were cited by the prosecution out of which 2 have been given up and the evidence of 11 witnesses already stand concluded. The cross-examination of the Investigating Officer is going on. As per the State counsel, only 8 witnesses are left to be examined and trial will thus be over within a period of two months or so.

[4] It is also a matter of record that petitioner's co-accused are involved in some other cases under the NDPS Act also and two of them were arrested by the DRI at Indira Gandhi International Airport alongwith

co-accused are mentioned in para 4 of the status report dated 19.07.2017 filed by Deputy Superintendent of Police, City-2, Patiala.

[5] We have heard learned counsel for the parties. It is true that the petitioner has spent more than three years in custody. But having regard to the serious allegations that he is an active member of the gang described as 'Chennai Cartel', it is difficult to form a definite opinion that the petitioner, if released on bail, he would not involve himself in the cases under the NDPS Act. Still further, the trial is near completion. Hence it would be more appropriate to dispose of this petition with a direction to the learned Special Judge to make an endeavour to conclude the trial before 30.11.2017.

[6] Ordered accordingly.

**(SURYA KANT)
JUDGE**

September 05, 2017
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**(SUDHIR MITTAL)
JUDGE**

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |