

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

**CRM-M No.40961 of 2017
Date of Decision : 08.01.2018**

Jimmy @ Yogesh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Mohit Mittal, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab
for the respondent-State.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking regular bail on behalf of the petitioner in case FIR No.94 dated 4th April, 2017, registered under Section 20 of the NDPS Act at Police Station City Sangrur, District Sangrur.

The petitioner was arrested on 4th of April, 2017.

Contraband weighing about 12 kilograms was allegedly recovered from him which according to the subsequently available Chemical Analysis Report is found to be '*Charas*' to the extent of 22.08%.

Nevertheless Ld. Counsel for the petitioner has sought release of the petitioner at this stage on basically the following three grounds :-

- (i) That there is no independent witness cited in the challan. The only non-official witness namely Akashdeep is alleged to be a stock-witness of the Police since he was shown to have been similarly present in another case under the NDPS Act being FIR No.67 dated 6th March, 2017 of the same Police Station;
- (ii) That the petitioner has been has been falsely implicated in pursuance of motivated monetary demands by the Police Authorities against whom an FIR under provisions of Prevention of Corruption Act (Annexure P-3) was subsequently registered on the basis of the complaint submitted by the relatives of some other accused persons; and,
- (iii) That in terms of decision of the Supreme Court in 'Ranjit Singh Brahmajeet Singh Vs. State of Maharashtra and another', bail ought to be

granted to him as ultimately he is not likely to be convicted in the case.

This Court has carefully considered the contentions raised on behalf of the petitioner.

It transpires that trial is already in progress and two out of the total of 11 charge-sheeted witnesses have already been examined, and that the next date fixed in the Ld. Trial Court is the 23rd of this month.

At this stage, in the opinion of the Court it would be pre-mature to rush to a conclusion that the chances of the petitioner's acquittal in the present case are bright.

Similarly, the fact that any Police Officer has been implicated in a case of bribery on the allegation of wrongful implication of framing of innocent persons under the NDPS Act, would not *ipso facto* amounts to an indication that implication of the present petitioner in this case is unnecessarily false.

In fine therefore this Court finds no reason to grant the benefit of bail to the petitioner at this stage considering the quantum of contraband recovered from him.

The prayer is therefore rejected however with a direction upon the Ld. Trial Court to expedite the trial and

endeavor to complete it preferably within a period of three months from the date of communication of this order.

January 08, 2018
Dpr

(SUDIP AHLUWALIA)
JUDGE

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