

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

209

CRM-M-28178-2019

Date of decision: 25.11.2019

Jaspal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. M.S. Bajwa, Advocate for the petitioner.

Mr. Arun Kaundal, DAG, Punjab.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present fourth petition for grant of regular bail in case FIR No.41 dated 10.05.2017 registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the NDPS Act") at Police Station Khalra, District Tarn Taran.

The first bail petition was dismissed as withdrawn vide order dated 08.08.2017, second bail petition was dismissed vide order dated 10.08.2018 while the third bail petition was dismissed as withdrawn vide order dated 06.03.2019.

Learned State counsel has appeared and opposed the bail application.

I have heard learned counsel for the petitioner and learned State counsel and gone through the record.

Learned counsel for the petitioner has submitted that heroin weighing 1.45 Kg. was allegedly recovered from open field adjacent to the Indo-Pak Border. Admittedly, the petitioner is not the owner of the said field. The petitioner is claimed to be in possession

thereof but no revenue document including khasra girdawari has been produced in support of the contention. The petitioner has been falsely implicated. Recovery of 50 grams of heroin was planted on him. Mandatory provisions of the NDPS Act were not complied with. His co-accused Sukhchain Singh @ Chaina and Harpreet Singh have already been granted bail by this Court vide orders dated 26.03.2018 and 20.04.2018 respectively. Despite directions issued by this Court, the trial has not yet been concluded and is likely to take long time. No useful purpose will be served by keeping the petitioner in custody. There is no other case against the petitioner. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that the petitioner is accused of having indulged in cross-border smuggling of narcotic drugs and psychotropic substances. Recovery of 1.45 Kg. of heroin was made from the fields abutting the Indo-Pak Border. Owner of the land has claimed the petitioner to be in cultivating possession thereof. Recovery of 50 grams of heroin was also made from the possession of the petitioner at the time of his arrest from a different place. Only four prosecution witnesses are required to be examined in the case and the trial is not likely to take long time. Therefore, the bail application may be dismissed.

Keeping in view the facts and circumstances of the case which involves recovery of commercial quantity of heroine from the field claimed to be in possession of the petitioner, bar of Section 37(1)(b) of the NDPS Act and also that only four witnesses remain to be examined and the trial is not likely to take long time and can also be

ordered to be expedited but without commenting on the merits of the case, I am of the considered view that the petitioner does not deserve the concession of regular bail. Therefore, the petition is dismissed. However, the trial Court is directed to expedite the trial and conclude the prosecution evidence preferably within two months from the date of this order by ensuring the presence of the prosecution witnesses by issuing coercive process, if so required.

25.11.2019

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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