

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(222)

CRM-M-29648-2021
Date of decision: 02.08.2021

Munasif Khan @ Gol Pata

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Imran Farooqi, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.08 dated 19.02.2016 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the NDPS Act”), registered at Police Station City-II, Malerkotla, District Malerkotla (Annexure P-1).

As per the version of the prosecution, FIR (Annexure P-1) was registered after a motorcycle was intercepted and 20 bottles of *COREX* were recovered but the motorcyclist fled by taking advantage of the dark.

Counsel for the petitioner has contended that the petitioner has been nominated on the basis of disclosure statement of a co-accused, which is inadmissible in evidence. He submits that neither the petitioner was present at the spot nor is he the owner of the apprehended vehicle. He submits that the investigation qua the petitioner is complete, challan has been presented and the petitioner, who is in custody since 13.10.2018, is no longer required for custodial interrogation.

Per contra, learned State counsel has opposed the petition upon instructions from SI Satwinder Singh on the ground that the recovery effected from the petitioner falls in the ambit of commercial quantity. He submits that out of the 18 prosecution witnesses, 16 have already been examined and the trial is at an advanced stage. He contends that though the petitioner could not be caught at the spot, yet his physical description has been given in the FIR.

Having considered the arguments addressed by counsel for the parties, this Court is of the opinion that as the trial is at the fag end, grant of concession of bail pending trial is not warranted at this stage. Moreover, the bar under Section 37 of the NDPS Act is attracted.

In the above circumstances, no relief can be granted to the petitioner.

Petition is accordingly dismissed.

However, keeping in view the fact the FIR was lodged in the year 2016 and the petitioner is in incarceration for the last more than 2½ years, trial Court shall explore the possibility to conclude the trial expeditiously.

(SUVIR SEHGAL)

JUDGE

02.08.2021

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No