

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

(through video conferencing)

CRM-M-19592-2021
Decided on : 19.01.2022

Amrik Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. J.S.Sandhu, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Rajesh Kumar.

Manjari Nehru Kaul, J.(Oral)

This is the fourth petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.72 dated 09.04.2019 under Section 21 of NDPS Act, 1985 registered at Police Station Islamabad District Amritsar.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated for being found in possession of 250 grams of heroin. A prayer has, therefore, been made to extend the concession of bail to the petitioner as he has been in custody since 09.04.2019 and there is no likelihood of the trial concluding in the near future as only 03 out of 16 prosecution witnesses cited by the prosecution stand examined.

Per contra, learned State counsel, on instructions from ASI Rajesh Kumar, while opposing the prayer made by the counsel opposite, has

submitted that a total of 550 grams of heroin was recovered from the conscious possession of the present petitioner and the co-accused Sarabjit Kaur, while they were walking together, which falls under the 'commercial category'.

Learned State counsel while drawing the attention of this Court to the custody certificate of the petitioner dated 18.01.2022, which has been filed in Court today through e-mail, has submitted that the petitioner is a man of criminal antecedents and is a habitual offender, as he is involved in as many as three other criminal cases, including one under the NDPS Act. He further submits that the petitioner committed the offence in question while he was on bail in the other case registered under the NDPS Act. Learned State counsel has further submitted that the trial has been proceeding at a slow pace, on account of the COVID-19 pandemic and the next date before the trial Court is 18th February, 2022, when some more prosecution witnesses would be examined. Learned State counsel has vehemently opposed the prayer made by the counsel opposite by urging that in case the petitioner is enlarged on bail, there is every likelihood that he could abscond or even commit a similar offence under the NDPS Act.

Heard learned counsel for the parties and perused the material available on record.

The petitioner and the co-accused were allegedly apprehended on the spot along with 250 grams heroin and 300 grams heroin, respectively, which falls under the 'commercial category'. Besides this, the petitioner is involved in another case under the NDPS Act and as such, this Court does not deem it appropriate to extend the concession of bail to the petitioner in the wake of his criminal antecedents.

Accordingly, the present petition stands dismissed. However, 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

19.01.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No