

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

**CRM-M No.34841 of 2022
Date of Decision: 14.11.2022**

Harinder Singh @ Kala

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sandeep Singh Jattan, Advocate
for the petitioner.

Mr. Sharan Sethi, Addl. A.G., Haryana.

MANJARI NEHRU KAUL J. (Oral)

This is the fourth petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.96, dated 27.05.2020, lodged under Sections 21-65-85 of the Narcotic Drugs and Psychotropic Substance Act, 1985, registered at Police Station Babain, District Kurukshetra.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand and there is no likelihood of the trial concluding in the near future as 08 prosecution witnesses remain to be examined. He further submits that even otherwise, the alleged recovery of 45 grams of heroin, which was effected from the vehicle in which the petitioner along with the co-accused was traveling, does not fall under the commercial quantity. A prayer has therefore been made in the above facts and circumstances to extend the concession of bail to

the petitioner as his further incarceration would serve no useful purpose.

Per contra, learned counsel for the State, while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, submits that the trial is nearing conclusion, as only 08 prosecution witnesses out of the 15 cited, remain to be examined and the next date fixed before the trial Court is 23.11.2022, when the remaining witnesses, who are formal in nature, are likely to be examined. He further submits that no doubt, the recovery of the alleged contraband was effected from a vehicle in which the petitioner was traveling along with the co-accused, however, it was pursuant to a secret information received by the Investigating Agency, wherein the petitioner was specifically named, that he and the co-accused were apprehended. It has also been submitted that the petitioner is a man of criminal antecedents as he is involved in 03 other similar cases under the NDPS Act and hence, he does not deserve the concession of bail as there is every likelihood that he would be involved in more cases of similar nature.

I have heard learned counsel for the parties and perused the relevant material on record.

It is a matter of record that as many as 03 FIRs bearing Nos.69 dated 28.07.2019 under Sections 21-61-85 of NDPS Act; 170 dated 30.07.2018 under Sections 21-61-85 of NDPS Act and 97 dated 25.03.2020 under Sections 21-61-85 of NDPS Act, stand

registered against the petitioner in the State of Punjab. It would be pertinent to point out that no doubt in all the other criminal cases, which stand registered against the petitioner, the contraband effected from him, does not fall within commercial quantity, however, it is a matter of record that the petitioner committed the offence in question while he was on bail in the other three criminal cases, which stand registered against him in the State of Punjab and had thus misused the concession of bail. *Prima facie*, it appears that the petitioner is a habitual offender and thus, this Court does not deem it appropriate to extend the concession of bail to him.

Accordingly, the instant petition is 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.

At this stage, learned counsel for petitioner requests for issuance of directions to the trial Court for expeditious conclusion of the trial.

The Trial Court is directed to make earnest efforts to conclude the trial expeditiously preferably within a period of three months from the date of this order, in view of the long incarceration of the petitioner, who has been now in custody for 2½ years.

(MANJARI NEHRU KAUL)
JUDGE

14.11.2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No