

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219

CRM-M-15410-2023

Date of decision: 18.10.2023

Gurdarshan Singh @ Soni

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.10 dated 11.01.2021 under Sections 22, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Barnala, District Barnala.

2. Learned counsel for the petitioner inter alia contends that the petitioner was not named in the secret information nor was he present with co-accused Sonia when she was apprehended by the police. It has been submitted that it was only subsequently on the basis of a disclosure statement allegedly suffered by co-accused Sonia, the petitioner came to be arrayed as an accused in the case in hand. Learned counsel submits that on being nominated as an accused in the aforementioned disclosure statement, a false recovery of 6800 tablets of Lomotil, 1000 tablets of Clovidol-100-SR (Tramadol), 285 small bottles of Wincirex Cough Syrup and 44000 tablets of Celcidal-100-SR

(Tramadol) was planted upon him. Learned counsel has still further submitted that the petitioner has now been in custody since 15.02.2021 and only 08 prosecution witnesses out of the 26 cited, have been examined, hence, there is no likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Sukhwinder Singh, has disputed that only 08 prosecution witnesses have been examined till date. He submits that besides 08 prosecution witnesses another 09 prosecution witnesses have been given up as being unnecessary which leaves with only 09 prosecution witnesses to be examined, who are likely to be examined very shortly. Learned State counsel has further submitted that no doubt the petitioner was not named in the secret information nor was he apprehended along with co-accused Sonia when the police apprehended her, however, after a disclosure statement was made by co-accused, a huge recovery of contraband which stands detailed above, was effected from a vehicle, which was in the name of none other than the petitioner himself. He, on further instructions, has informed the Court that the next date before the Trial Court is 15.11.2023.

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

5. In the facts and circumstances as enumerated hereinabove in particular to the heavy recovery of contraband effected from the petitioner, this Court is not inclined to extend the concession of bail to the petitioner.

6. 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.

7. At this stage, a request has been made by learned counsel for the petitioner that the Trial Court be directed to conclude the trial expeditiously.

8. The Trial Court shall make earnest efforts to conclude the trial expeditiously preferably within a period of 04 months from today.

18.10.2023

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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