

Neutral Citation No.2023:PHHC:158147

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-28198 of 2021 (O&M)

Date of decision : 11.12.2023

...

Ramesh Kumar

.....Petitioner

vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. D.S. Virk, Advocate
for the petitioner.

Ms. Jasleen Chahal, Assistant Advocate General,
Haryana, for the respondent/State

...

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking concession of regular bail under Section 439 Cr.P.C., in case FIR No.145 dated 12.7.2020 under Section 18 of Narcotic Drugs and Psychotropic Substances Act, 1985, (hereinafter referred to as 'the NDPS Act') (Section 18(b) of NDPS Act, added later on) registered at Police Station Cheeka, District Kaithal.

2. Learned counsel for the petitioner submits that the

petitioner is innocent and has been falsely implicated in the case in hand. He submits that a false recovery of 31 kgs of opium was shown to have been effected from the petitioner, pursuant to a secret information received. He submits that in fact the falsity of the prosecution case was evident from the fact that he had been picked up by the police much prior to the time of the alleged recovery, as it was a matter of record that on 12.7.2020, in the wee hours of the morning, an e-mail had been sent to the DGP, Haryana, by Mr. D.S. Virk, Advocate, alleging that there was every likelihood that the petitioner could be falsely implicated in the case in hand. Learned counsel for the petitioner further submits that even though the petitioner was arrested way back on 12.7.2020 and the challan was presented on 6.1.2021, however, till date the prosecution evidence had not commenced and hence on this ground alone, he deserved to be extended the concession of bail.

3. Learned State counsel while opposing the prayer and submissions made by the counsel opposite, has submitted that a secret information had been received by the police qua the petitioner's involvement in the sale and purchase of narcotic substances and it was only thereafter a raid was conducted at the house of the petitioner, wherein a recovery of 1 kg of opium from his person, was effected, while another 30 kgs of opium was recovered pursuant to the disclosure statement made by him, from beneath a bed, at his residence; two co-accused, who too had been specifically named in the secret information, managed to flee from the spot.

4. Learned state counsel had further submitted that a

thorough enquiry was carried out with respect to the e-mail sent to the DGP, Haryana, qua the purported false implication of the petitioner. However, it was just an attempt on part of the petitioner and the co-accused to fabricate defence in their favour, by sending the e-mail to the DGP, Haryana. Learned State counsel has further submitted that the next date fixed before the trial Court is 8.1.2024, when the prosecution evidence would commence and since all the witnesses are official witnesses, the trial would not take much time to conclude.

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

6. Prima facie, it is evident that the petitioner is a part of a gang which is actively involved in the sale and purchase of narcotic substances. Pursuant to the secret information received, the petitioner was not only apprehended at his residence, but a huge recovery of 31 kgs of opium too was affected from his residence and that too in the presence of a Gazetted Officer, after complying with all the mandatory provisions of the NDPS Act.

7. In the circumstances, this Court does not deem it fit to extent the concession of regular bail to the petitioner.

8. The petition as such is dismissed.

9. However, in view of the long custody period of the petitioner, the trial Court is directed to make earnest efforts to expedite the trial and conclude it at the earliest, preferably within 4 months.

10. 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.

11.12.2023
chugh

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking / reasoned

Whether reportable

Yes / No

Yes / No