

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

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2023:PHHC:137393

CRM-M-36381-2022

Date of decision: October 20th, 2023

Amarjit Singh alias Happy

.....Petitioner

Versus

Union Territory of Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Charanjit Singh Bakhshi, Additional Public Prosecutor,
U.T. Chandigarh.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.94 dated 13.07.2021 registered under Section 22 of the NDPS Act at Police Station Sector 31, Chandigarh.

2. Learned counsel for the petitioner at the outset very fairly submits that no doubt the petitioner is a man of criminal antecedents but in the case in hand, he has been in custody for more than two years having been arrested on 31.01.2021. It has been submitted that it is a case of false implication, wherein the petitioner was alleged to have been found in possession of 35 injections of Buprenorphine and 50 injections of Pheniramine Maleate. He submits that the recovery allegedly effected from the petitioner does not attract the mischief of offences under the NDPS Act. It has been further submitted that in the facts and circumstances, more so since there is no likelihood of the trial concluding in the near future, the petitioner be extended the concession of bail.

3. *Per contra*, learned counsel appearing for the U.T. Chandigarh has vehemently opposed the prayer made by the counsel opposite. He has drawn the attention of this Court to the criminal antecedents of the petitioner, which stand reflected in his custody certificate, which has been placed on record today. It has been submitted that 16 prosecution witnesses have been cited by the prosecution and only ten remain to be examined as six have been given up. It has still further been submitted, on instructions from ASI Parvinder Singh, that the next date of hearing before the trial Court is 31.10.2023 when few of the prosecution witnesses are likely to be examined. Hence, in the circumstances, trial would not take much time to conclude.

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

5. This Court would not be inclined to extend the concession of bail to the petitioner keeping in mind his criminal antecedents. In all likelihood, the trial will not take much time to conclude.

6. In the facts and circumstances, the instant 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.

7. The trial Court would make earnest efforts to conclude the trial expeditiously.

October 20th, 2023

Puneet

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No