

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

CRM-M No.39172 of 2022 (O&M)

Date of decision: 5th January, 2023

Jaspal Singh @ Jassa

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

CRM No.49861 of 2022

Instant application has been filed for placing on record the
Zimin orders passed by the learned Addl. Sessions Judge, Amritsar.

Since the application is in compliance of the previous order
dated 13.12.2022, the same is allowed and the zimni orders are taken
on record.

CRM-M No.39172 of 2022 (O&M)

This is third petition of the petitioner under Section 439
Cr.P.C. in case bearing FIR No.103 dated 28.12.2019 (Annexure P-1)
under Sections 21 and 29 of the Narcotic Drugs and Psychotropic
Substances Act, 1985 (hereinafter referred to as, 'the NDPS Act')
registered at Police Station Ramdas, District Amritsar.

Learned counsel appearing for the petitioner submits that the petitioner has been in custody since 28.12.2019 and challan was presented on 15.06.2020, however, charges have still not been framed for reasons not attributable to him but to the jail authorities who have not been producing the accused in the Court on various dates. Learned counsel further submits that the next date fixed before the trial Court is 03.02.2023 when the charges are likely to be framed. It has also been submitted that as many as 18 prosecution witnesses have been cited and hence, the trial would take considerable time to conclude. He further submits that the alleged recovery of 260 grams of Heroin is marginally higher than the minimum prescribed under the commercial quantity. A prayer has therefore been made to extend the concession of bail to the petitioner.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has invited the attention of this Court to the custody certificate which has been filed today in the Court. Learned State counsel submits that the petitioner is a man of criminal antecedents which is evident from the fact that he is involved in three other cases under the NDPS Act. It has been further submitted that the FIR in question was registered against the petitioner while he was on bail in the other cases registered against him under the NDPS Act. Learned State counsel has further submitted that he has been apprised by the official ASI Avtar Singh, who has come present today, that delay in the trial has been on account of the petitioner being

involved in total of eleven other criminal cases. He has, thus, opposed the prayer made by the counsel opposite for enlarging the petitioner on bail.

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

Prima facie, it is apparent that the petitioner is a man of criminal antecedents and is a habitual offender. In the circumstances, this Court does not deem it fit to extend the concession of bail to the petitioner. The petition as such stands dismissed.

However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case. The trial Court would make earnest efforts to expedite the trial and conclude it at the earliest, since the petitioner has now been in custody for more than three years.

(MANJARI NEHRU KAUL)
JUDGE

January 5, 2023
rps

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