

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

CRM-M No.38492 of 2023

Date of decision: 13th September, 2023

Avtar Singh @ Kala

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.97 dated 21.08.2022 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Navi Baradari, District Jalandhar.

2. Learned counsel for the petitioner inter alia contends that a false case has been planted upon the petitioner for having allegedly found in possession of 255 grams of Heroin, which was just marginally higher than the minimum classified as commercial quantity under the Act. It has been submitted that charges were framed on 03.04.2023, however, none of the 12 prosecution witnesses have been examined so far, hence there is no likelihood of the trial concluding in the near future. A prayer has therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that the next date of hearing fixed before the trial Court is 22.09.2023 when prosecution evidence is likely to commence. It has also been submitted that the petitioner committed the crime in question while he was on bail in another case registered against him under the NDPS Act. Learned State counsel submits that hence, it was evident that the petitioner was not only a habitual offender but had misused the concession of bail granted to him in FIR No.65 dated 20.05.2021 registered under Section 21/61/85 of the NDPS Act at Police Station Khalchian.

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

5. In the facts and circumstances as enumerated hereinabove, in particular looking to the criminal antecedents of the petitioner and his conduct after being extended the concession of bail in other case registered under the NDPS Act, this Court does not deem it fit to extend the concession of bail to the petitioner. The petition as such 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.

(MANJARI NEHRU KAUL)
JUDGE

September 13, 2023

rps

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No