

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

205

**CRM-M-42453-2022
Date of decision: 19.01.2023**

Ishant Kumar @ Ishu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gurmeet Singh, Advocate
for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.0223 dated 16.09.2019 lodged under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Canal Colony Bathinda, District Bathinda.

Learned counsel for the petitioner submits that even though the FIR in question was registered way back on 16.09.2019 under Sections 21 and 22 of the NDPS Act, however, till date the trial has not concluded as none of the prosecution witnesses have been examined.

Per contra, learned State counsel has vehemently opposed the prayer made by the counsel opposite. He on instructions has submitted that the petitioner is a man of criminal antecedents as he is involved in two other cases under the NDPS Act besides the present one. It has also been submitted that in the present case also it was a case

of chance recovery and 30 grams of heroin along with 1250 tablets of PROZOLAM was effected from him. Learned State counsel has still further submitted that the delay in the trial has been on account of the petitioner absconding during the pendency of the trial as a result of which he was declared a proclaimed offender on 17.03.2020.

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

In the wake of the criminal antecedents of the petitioner, this Court does not deem it fit to extend the concession of bail to the petitioner. 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.

19.01.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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