

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

227

2023:PHHC:116871

CRM-M-42862-2023

Date of decision: September 5th, 2023

Jaspal Singh @ Jassa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.103 dated 28.12.2019 under Sections 21 and 29 of the NDPS Act, 1985 registered at Police Station Ramdas, District Amritsar (Rural).

Learned State counsel, at the outset, has vehemently opposed the prayer made by learned counsel for the petitioner for extending the concession of bail to the petitioner, who was apprehended on suspicion on 28.12.2019 by police party and a recovery of 260 grams of heroin was then effected from his conscious possession. Learned State counsel has submitted that it is a matter of record that the petitioner has criminal antecedents and the crime in question was committed by him after his sentence had been suspended in case FIR No.14 dated 09.05.2011 registered under Sections 21, 25, 29 of the NDPS Act at Police Station SSOC, Amritsar. Learned State counsel has further submitted that not only was the crime in question committed by the petitioner while his sentence was suspended, he had been involved

in FIR No.17 dated 01.07.2018 registered under Sections 21, 25, 29 of the NDPS Act at Police Station SSOC, Amritsar, wherein yet again he was apprehended along with narcotic substances. Learned State counsel, therefore, submits that each and every time the petitioner has been enlarged on bail, he has misused the said concession and committed some crime under the NDPS Act, which clearly indicates that he is a habitual offender and is a part of a drug syndicate. It has still further been submitted that two out of 18 prosecution witnesses stand examined and the next date before the trial Court is 14.09.2023 when some more witnesses have been summoned.

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

Prima facie, the petitioner comes across as a habitual offender and as not even disputed by learned counsel for the petitioner, there are three other cases under the NDPS Act pending against him.

In the facts and circumstances, coupled with the recovery effected from the petitioner, which has been classified as commercial under the NDPS Act, this Court does not deem it appropriate to extend the concession of bail to the petitioner. The instant petition is, therefore, 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.

At this stage, a prayer has been made by learned counsel for the petitioner that since the petitioner has been in custody for more than 3½ years having been arrested on 28.12.2019, directions be issued to the trial Court to expedite the trial and conclude it expeditiously.

The trial Court is directed to make earnest efforts to expedite and conclude it expeditiously preferably within a period of six months.

September 5th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No