

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

**CRM-M No.46054 of 2022**  
Date of decision: 25<sup>th</sup> August, 2023

Gurnam @ Gama

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. K.S. Dadwal, 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.143 dated 23.10.2020 under Sections 21(c), 29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Chabbewal, District Hoshiarpur.

2. Learned counsel for the petitioner inter alia contends that a false case has been planted upon him, and that too, on the disclosure statement allegedly suffered by co-accused Jasvir Kaur, who was allegedly found in possession of 300 grams of Heroin, along with drug money in the sum of ₹ 10.00 lacs. Learned counsel has vehemently argued that evidentiary value of the disclosure statement allegedly suffered by co-accused Jasvir Kaur is of a weak nature and other than this disclosure statement, there was no other evidence or material collected by

the investigating agency which could in any manner link the petitioner with the alleged recovery. He submits that though admittedly the petitioner was declared a proclaimed offender in the case in hand, however, it was on account of the fact that he was in custody in another case, and therefore, could not appear before the trial Court in the case in hand. Learned counsel, lastly submits that since the petitioner has been in custody for more than a year, having been arrested on 19.08.2022, and 12 prosecution witnesses still remain to be examined, the trial would take considerable time to conclude, and moreover, his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel, on instructions, has vehemently opposed the prayer and submissions made by the counsel opposite. While drawing the attention of this Court to the affidavit, which has been filed on behalf of Sartaj Singh Chahal IPS, SSP Hoshiarpur, learned State counsel has submitted that the petitioner is a man of criminal antecedents as it is a matter of record that he is involved in as many as 15 other criminal cases in different parts of the State. He submits that the crime in question was committed by the petitioner while he was on parole in another case, and thus, it was evident that he had misused his parole. He submits that thereafter, he was declared a proclaimed offender vide order dated 21.07.2022 of the trial Court. Learned State counsel has thus, prayed for dismissal of the instant petition in view of the criminal antecedents of the petitioner by urging that there was every possibility

that he could yet again be involved in some more criminal cases or could abscond during the pendency of the trial.

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

5. Prima facie, the petitioner comes across as a man of criminal antecedents as it is a matter of record that he is involved in a number of criminal cases, including cases under the NDPS Act. This Court in the facts and circumstances as enumerated hereinabove, does not deem it fit to extend the concession of bail to the petitioner. The petition as such is dismissed.

6. At this stage, a prayer has been made by learned counsel for the petitioner that in view of the long incarceration of the petitioner, the trial Court be directed to expedite the trial and conclude it at the earliest.

7. The trial Court would make earnest efforts to conclude the trial expeditiously, preferably within a period of six months from today. 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

August 25, 2023

*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |