

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.46720 of 2023
Date of decision: 12th December, 2023

Basant @ Chhotu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Navkiran Singh, Advocate for the petitioner.
Ms. Jasleen Chahal, Asst. Advocate General, Haryana
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.1 dated 01.01.2021 under Section 120-B IPC and Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Beri, District Jhajjar. This is the second petition filed by the petitioner.

2. Learned counsel for the petitioner inter alia contends that the petitioner, who is a 21 year old boy, has been falsely implicated in the case in hand and the role attributed to him was that he was only accompanying the co-accused when the alleged recovery of 244.460 kgs of Ganja was effected pursuant to an alleged secret information received by the police. Learned counsel submits that after the petitioner was arrested on 01.01.2021, the trial had not made much progress as only 4

witnesses out of the 12 cited by the prosecution had been examined and in the circumstances, there was no likelihood of the trial concluding in the near future. It has also been submitted that the petitioner has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act. A prayer has therefore, been made for extending the concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that a specific information was received by the police, wherein the petitioner as well as his co-accused were named. Thereafter, when the police intercepted both the petitioner as well as his co-accused, who were traveling in a Pick-up Van, a huge recovery of 244.460 kgs of Ganja was effected. It has also been submitted that the recovery from the petitioner was made after due compliance of the mandatory provisions of the NDPS Act. Learned State counsel, on further instructions, has informed the Court that the next date of hearing fixed before the trial Court is 23.01.2024 when some more witnesses have been summoned and there is, thus, every likelihood that the trial would not take much time to conclude.

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, especially the huge quantity of contraband recovered from the vehicle, in

which the petitioner and his co-accused were traveling, this Court does not deem it fit to extend the concession of bail to the petitioner. The petition as such is dismissed.

6. 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.

7. Since the petitioner has been in custody for almost three years now, having been arrested on 01.01.2021, the trial Court is directed to make earnest efforts to conclude the trial expeditiously, preferably within a period of next three months from today.

(MANJARI NEHRU KAUL)
JUDGE

December 12, 2023

rps

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