

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223

CRM-M-48715-2023

Date of decision: 03.10.2023

Aakash @ Rinku

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.237 dated 09.07.2019 under Sections 20(b)(ii), 21-C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Bhuna, District Fatehabad.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been in custody since 09.07.2019 for having allegedly been found in possession of 3.2 kgs ganja and 446 grams of heroin along with ₹11 lakhs (drug money). Learned counsel submits that a false case has been planted upon the petitioner as mandatory provisions of the NDPS Act were not fully complied with. Learned counsel submits that there is no likelihood of the trial concluding in the near future as only 05 prosecution witnesses out of the 18 cited, stand examined as on date.

3. Per contra, learned State counsel while opposing the prayer

and submissions made by learned counsel for the petitioner, on instructions from ASI Satish, has submitted that a secret information was received wherein the petitioner was specifically named. Pursuant to the secret information the petitioner was apprehended along with the recovered contraband. It has been further submitted that the petitioner is a man of criminal antecedents as he is involved in 26 other criminal cases including cases under the NDPS Act. Learned State counsel has, on further instructions, informed the Court that 06 prosecution witnesses have been summoned for the next date by the Trial Court and hence, the trial would not take much time to conclude.

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

5. No doubt, the petitioner has been in custody since 09.07.2019, however, this Court cannot turn a blind eye to his involvement in a number of criminal cases including cases under the NDPS Act. Furthermore, the recovery effected from the petitioner i.e. 3.2 kgs of ganja and 446 grams of heroin has been classified as commercial under the NDPS Act coupled with the fact that ₹11 lakhs (drug money) was also allegedly recovered from him. This Court, therefore, in the wake of criminal antecedents of the petitioner does not deem it fit to extend the concession of bail to the petitioner.

6. 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.

7. At this stage, a request has been made by learned counsel for the petitioner that the Trial Court be directed to expedite the trial

and conclude it expeditiously.

8. The Trial Court shall make earnest efforts to conclude the trial expeditiously preferably within a period of 06 months from today.

03.10.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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