

226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51331-2023
Decided on : 13.10.2023

Arwinder Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jaskamal Singh Grewal, Advocate
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.58 dated 27.03.2023 under Section 18-C of NDPS Act registered at Police Station Mandi Gobindgarh District Fatehgarh Sahib.

2. Learned counsel for the petitioner *inter alia* contends that a false recovery of 2.600 kgs of opium has been planted upon him. Learned counsel submits that after the petitioner was arrested on 31.03.2023, challan had been filed and even charges framed, however, none of the prosecution witnesses cited had been examined till date. Hence, there was no likelihood of the trial concluding in the near future. Learned counsel further submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose and he, thus, be enlarged on bail.

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

submissions made by the counsel opposite has submitted that the recovery effected from the petitioner has been classified as commercial quantity under the NDPS Act. Learned State counsel has submitted that all the mandatory provisions of NDPS Act were duly complied with when the petitioner was nabbed on suspicion. Learned State counsel has further submitted that the trial has been proceeding at a reasonably good pace and there is no likelihood of it getting delayed, hence, in view of the recovery effected from the petitioner and the status of the trial, the petitioner be not enlarged on bail.

4. Heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has been in custody for only about 6 months and 15 days. The recovery allegedly effected from the petitioner falls under the commercial category under the NDPS Act. In the facts and circumstances as enumerated hereinabove coupled with the fact that the trial would not take much time to conclude, this Court does not deem it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition stands 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.

13.10.2023
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No