

2023:PHHC:143153
**204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-54920-2023 (O&M)
Date of decision: 08.11.2023

Hari Chand @ Pappi

....Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Kunal Choksi, Advocate for the petitioner
Mr.Gurpreet Singh Addl. AAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. This is the petitioner's fourth attempt to get bail pending trial in a criminal case arising from FIR No. 55, dated 17.06.2019, registered under Sections 21, 61, 85 of the Narcotic Drugs and Psychotropics Substances Act, 1985, at Police Station STF Phase-4 Mohali, District S.A.S. Nagar, Punjab.

2. As per the case of the prosecution, the petitioner was apprehended with 720 grams Heroin (contraband). The first bail petition filed by the petitioner was dismissed on 12.12.2019, with the following order:-

“Petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.55 dated 17.06.2019 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, at Police Station Special Task Force.

As per case of the prosecution, petitioner was found in conscious possession of 720 grams of heroin.

Learned counsel for the petitioner, while referring to printout copy of CCTV footage, submits that the petitioner was picked up from his house and the aforesaid narcotics have been falsely planted on him. The printout copy of CCTV footage is yet to be proved.

In the present case, there is a huge recovery of 720 grams of heroin which is much above than commercial quantity starting above 250 grams.

Learned counsel for the State, on instructions from ASI Jaspal, has submitted that the petitioner is involved in 3 more cases under the Narcotic Drugs and Psychotropic Substances Act and approximately 9 cases under various provisions of the Indian Penal Code.

In view thereof, this Court is not inclined to grant regular bail to the petitioner. Accordingly, the present petition is dismissed.”

3. The second bail petition was dismissed on 28.06.2021 whereas the third attempt made by the petitioner for grant of bail was declined on 13.05.2022.

4. Learned counsel representing the petitioner admits that the petitioner is involved in as many as 12 criminal cases out of which in 9 cases, he has been acquitted. He submits that the petitioner has suffered incarceration for a period of 4 years and 4 months.

5. On the other hand, the learned State counsel submits that the prosecution has already examined as many as 8 witnesses out of total 14 witnesses. He submits that the next date of hearing before the trial court for the recording of evidence is 10.11.2023.

6. It has been disclosed by the learned counsel representing the State that all the remaining witnesses proposed to be examined by the State are the police officials.

7. Keeping in view the aforesaid facts, the directions are issued to the Commissioner of Police, Ludhiana to ensure the presence of all the remaining six witnesses, which the prosecution wishes to examine on 10.11.2023. The Special Court is requested to record their evidence.

8. Learned counsel representing the parties are ad idem that the Special Court be requested to expeditiously conclude the trial, preferably within a period of next three months, from today, positively.

9. Ordered accordingly.

10. With the aforesaid observations, the present petition is disposed of.

11. All the pending miscellaneous applications, if any, are also disposed of.

08.11.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE