

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

CRM-M No.55238 of 2023

Date of decision: 14th November, 2023

Aman Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vishal Mittal, Advocate for
Mr. Vikramjeet Singh, Advocate for the petitioner.
Mr. Mohit Kapoor, Addl. 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.073 dated 06.05.2021 under Sections 22(c), 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sangat, District Bathinda. This is third petition filed by the petitioner.

2. Learned counsel for the petitioner inter alia contends that the petitioner was not named in the FIR, but was nominated as an accused on the basis of a disclosure statement suffered by co-accused Sagar, from whom recovery of 15000 tablets of Tramadol and 25 bottles of Biorex was effected. He submits that the evidentiary value of such disclosure statement is of a weak nature, and hence, clearly hints towards the false implication of the petitioner in the case in hand. Learned counsel further

submits that the petitioner has been in custody for more than two years, having been arrested on 11.09.2021 and till date, prosecution evidence has not concluded, thus, there is no likelihood of the trial concluding in the near future, coupled with the fact that his further incarceration in the instant case would serve no useful purpose. 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 not been able to dispute that the role of the petitioner in the crime in question surfaced during interrogation of the co-accused Sagar, who was apprehended with the recovered contraband, and in whose disclosure statement the name of the present petitioner surfaced of being an accomplice. Learned State counsel has submitted that the trial is nearing conclusion as 7 witnesses out of the 15 cited by the prosecution have already been examined and the remaining witnesses are likely to be examined on the next date of hearing fixed before the trial Court i.e. 30.11.2023. It has also been submitted by the learned State counsel on instructions, that the petitioner is a man of criminal antecedents as he is involved in another case registered under the NDPS Act, which clearly is indicative of his involvement in the trade of narcotic substances.

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

5. No doubt, the petitioner has been nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused

Sagar, however, since the trial is nearing conclusion, coupled with the fact that the petitioner is also involved in another case under the NDPS Act, this Court would not be inclined to extend the concession of bail to the petitioner. The petition as such 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.

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 shall make earnest efforts to conclude the trial expeditiously, preferably within a period of next three months from today.

(MANJARI NEHRU KAUL)
JUDGE

November 14, 2023
rps

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