

Neutral Citation No.2023:PHHC:148776

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-56817 of 2023 (O&M)

Date of decision : 22.11.2023

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Manjeet @ Kaliya

.....Petitioner

vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sushil Sheoran, Advocate
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General,
Haryana, for the respondent/State

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MANJARI NEHRU KAUL, J. (ORAL)

This is second petition filed by the petitioner under Section 439 Cr.P.C., seeking concession of bail in case FIR No.128 dated 18.4.2020 under Section 188 IPC (Section 201 IPC added later on) and Section 21(c) (Section 29 and 27A added later on) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at

Police Station I.M.T. Rohtak, District Rohtak. The previous petition was dismissed on merits by a Co-ordinate Bench of this Court, vide order dated 11.11.2022 (Annexure P-1).

2. On a pointed query put to the learned counsel for the petitioner as to what is the material change in circumstances, which would warrant acceptance of his prayer made in the present petition, it has been submitted that the co-accused Sandesh Kumar, was also present with the petitioner when recovery of 2 Kgs 100 grams of Heroin (1 Kg 560 grams from the petitioner and 540 grams from the co-accused – Sandesh Kumar), was allegedly affected. A Co-ordinate Bench of this Court vide order dated 5.4.2022 (Annexure P-2), had however been pleased to extend the concession of bail to the co-accused Sandesh Kumar, despite his involvement in 7 other criminal cases. Hence, the petitioner also deserves the same concession.

3. Per contra, learned State counsel while vehemently opposing the prayer and submissions made by the counsel opposite, has submitted that after dismissal of the previous petition, wherein similar relief has been sought by the petitioner, there was no material change in circumstances; co-accused Sandesh Kumar had already been granted bail under Section 439 Cr.P.C. by the Co-ordinate Bench of this Court much prior to the dismissal of the previous petition filed by the petitioner. It has been further submitted by the learned State counsel, on instructions, that a specific secret information had been received by the police qua the involvement of the petitioner as well as co-accused Sandesh Kumar in the sale/purchases of narcotic substances, who were then intercepted by

the police and the aforesaid recovery, then affected from them. Learned State counsel has also placed on record the custody certificate of the petitioner and asserted that the petitioner is involved in a number of criminal cases, however, he has withheld the pendency of the cases against him.

4. Learned State counsel, on further instructions, has submitted that the delay in conclusion of the trial is on account of the involvement of the petitioner in other criminal cases and hence he is being taken on production warrants to various courts for hearings in those cases. It is further submitted that 8 out of 20 prosecution witnesses, have been examined and the next date fixed before the trial Court is 10.1.2024.

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

6. The recovery, allegedly recovered from the petitioner and that too pursuant to a secret information wherein he was named, has been classified as commercial under the NDPS Act. The petitioner, as per the custody certificate, is involved in multiple criminal cases falling under various provisions of the IPC, including offences under Section 376 IPC and POCSO Act. Prima facie, the petitioner comes across as a man of criminal antecedents, for which he thus, does not deserve to be enlarged on bail.

7. The petition as such is dismissed.

8. 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.

9. At this stage, a request has been made by learned counsel for the petitioner that since the petitioner has been in custody for more than 3 ½ years , the trial Court be directed to expedite the trial.

10. The trial Court is directed to make earnest efforts to expedite the trial and conclude it expeditiously, preferably within five months from today.

(MANJARI NEHRU KAUL)
JUDGE

22.11.2023
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Whether speaking / reasoned Yes / No

Whether reportable Yes / No