

Neutral Citation No.2023:PHHC:158442

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) CRM-M-61123 of 2023 (O&M)
Date of decision : 11.12.2023

...

Dalbir Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

2) CRM-M-61243 of 2023 (O&M)

...

Surjit Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rajiv Kumar Saini, Advocate
for the petitioners.

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MANJARI NEHRU KAUL, J. (ORAL)

Both the instant petitions, detailed hereinabove, have been filed by the petitioners seeking concession of regular bail under Sections 21,25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, (hereinafter referred to as 'the NDPS Act') , registered at Police Station State Special Operation Cell, Amritsar.

2. Learned counsel for the petitioners, inter alia, contends that a false and fabricated case has been planted upon them for having been found in possession of 1 kg of herione, on 20.12.2019.

He submits that the petitioners have clean antecedents, which further lends credence to their false implication. It has also been submitted that ever since their arrest on 20.12.2019, the trial had been proceeding at a very slow pace and hence the petitioners deserve to be enlarged on bail, as there is no likelihood of its concluding in the near future. It has also been submitted that similarly situated co-accused has since been extended the concession of bail, by a Coordinate Bench of this Court vide order dated 24.11.2023.

3. Notice of motion.

4. On asking of the Court, Mr. Sandeep Kumar, Deputy Advocate General, Punjab, accepts notice on behalf of respondent-State.

5. Learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has submitted that that a specific secret information had been received qua the involvement of all the accused including the petitioners in the sale and purchase of heroine; subsequently when the accused including the petitioners were intercepted, while they were found travelling together in a car; 1 kg each of heroine was recovered from the person of the petitioner -Dalbir Singh and co-accused, while the remaining heroine was recovered from the boot of the car, totalling 15 kgs heroine. Learned counsel has further submitted that enough evidence had been gathered during investigation that the petitioners had close links across the Border, as two sim cards of Pakistani origin were also recovered from the possession of co-accused - Balkar Singh, who too was traveling with the petitioners. It has been further submitted that

there was due compliance of the mandatory provisions of the NDPS Act, when the alleged recoveries were affected from the petitioners and the co-accused on 20.12.2019.

6. Learned State counsel has further submitted that no doubt two of the co-accused had indeed been extended the concession of bail vide order dated 24.11.2023, however, subsequently, as many as 13 prosecution witnesses out of 25 cited had been examined and hence the trial was likely to conclude shortly.

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

8. In the facts and circumstances, as enumerated hereinabove, i.e. the huge recovery of heroine affected, as well as, the stage of the trial, wherein now only formal witnesses remain to be examined, this Court does not deem it fit to extend the concession of bail to the petitioners.

9. Both the petitions as such are dismissed.

10. The trial Court is directed to ensure that the trial is concluded expeditiously, preferably within two months.

11. 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.

(MANJARI NEHRU KAUL)

JUDGE

11.12.2023

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Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No