

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

223

2024:PHHC:006556

CRM-M-1137-2024

Date of decision: January 18th, 2024

Nanakj Singh @ Tota

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.242 dated 02.10.2019 under Section 21 of the NDPS Act registered at Police Station Sultanpur Lodhi, District Kapurthala.

2. At the outset, learned State counsel has opposed the prayer made by the counsel for the petitioner for extending the concession of bail to the petitioner, who is seeking it primarily on account of his long custody. Learned State counsel, on instructions, has submitted that the petitioner was apprehended on suspicion and a recovery falling under commercial quantity i.e. 300 grams of heroin was effected from him. It has also been submitted that the petitioner has criminal antecedents as he is involved in another case under the NDPS Act. Learned State counsel has still further submitted that the trial is at the fag end as only one prosecution witness remains to be examined and the next date fixed before the trial Court is 01.02.2024 when in all likelihood, the evidence of the prosecution shall stand concluded.

3. Learned counsel appearing for the petitioner has reiterated that the petitioner has been falsely implicated in the case in hand; on account of his long incarceration, he deserves to be enlarged on bail, more so since he is already on bail in the other case registered against him under the NDPS Act.
4. I have heard learned counsel for the parties and perused the relevant material on record.
5. The recovery effected from the petitioner has been classified as commercial under the Act. *Prima facie*, he does come across as being a man of criminal antecedents as concededly he is involved in another case under the NDPS Act. The trial is nearing conclusion and hence, in the facts and circumstances as enumerated hereinabove, this Court is not inclined to extend the concession of bail to the petitioner.
6. The instant petition stands dismissed.
7. 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.
8. At this stage, a prayer has been made by learned counsel for the petitioner for issuance of directions to the trial Court for expeditious conclusion of the trial.
9. Since the petitioner has been in custody for more than four years, the trial Court is directed to make earnest efforts to expedite the trial and conclude it preferably within two months from today.

January 18th, 2024

Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No