



CRM-M-3468-2024

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**225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-3468-2024
Decided on : 16.07.2024

Santokh Singh @ Sukh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. H.S.Aujla, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the third petition filed by the petitioner seeking concession of regular bail in case FIR No.181 dated 17.08.2022 under Sections 21(c), 25, 61 and 85 of NDPS Act, 1985 (Section 29 of NDPS Act added later on) registered at Police Station STF, SAS Nagar District SAS Nagar.

2. Learned counsel for the petitioner contends that a false and fabricated case has been planted upon the petitioner; he was alleged to be transporting 290 grams of heroin when he was intercepted by the police on 17.08.2022. It has been submitted that even though the petitioner was not carrying the recovered contraband, however, even assuming for the sake of arguments that the petitioner was apprehended along with the said contraband, it



was marginally higher than the minimum prescribed as commercial under the NDPS Act. It has further been submitted that the trial has been proceeding at a very slow pace as only 3 prosecution witnesses out of 14 cited have been examined till date. Hence, further incarceration of the petitioner would serve no useful purpose as there is no likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from SI Harpal Singh, has submitted that a specific secret information had been received qua the involvement of the petitioner in drug trafficking; pursuant to the secret information, after due compliance of all the mandatory provisions of the NDPS Act, the petitioner was apprehended along with 290 grams of heroin, which cannot be said to be “just marginally higher” than the minimum prescribed as commercial under the Act. It has been submitted that the trial is pending before the Fast Track Court and 3 out of 14 witnesses cited by the prosecution already stand examined. The trial would thus, not take much time to conclude as next date of hearing fixed before the trial Court is 08.08.2024. It has further been submitted by the State counsel that the petitioner is a habitual offender as it is a matter of record that he stands convicted in one case under the NDPS Act; the petitioner was on bail in one other case registered under the NDPS Act when he was apprehended in the present case. Learned State counsel has, thus, argued that it is evident that the petitioner has misused the concession of bail, which



had been granted to him in the other cases registered against him, and hence, he does not deserve the concession of bail as there is every likelihood that he could yet again be involved in a case under the NDPS Act.

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

5. The trial has been proceeding at a reasonably good pace as three of the 14 prosecution witnesses already stand examined. Remaining prosecution witnesses would also be examined in the near future as the trial is pending consideration before the Fast Track Court.

6. In the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioner is a habitual offender, this Court does not deem it fit to extend the concession of regular bail to the petitioner. Accordingly, 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. Keeping in view the long incarceration of the petitioner, Trial Court concerned shall make earnest efforts to conclude the trial expeditiously in accordance with law, preferably within a period of five months.

16.07.2024
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(MANJARI NEHRU KAUL)
JUDGE

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