

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

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2024:PHHC:020949
CRM-M-3262-2024
Date of decision: February 14, 2024

BRAMDEV SINGH @ MOGLI
...Petitioner

Versus

STATE OF PUNJAB
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab
with ASI Harjeet Singh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.120 dated 23.07.2021 (Annexure P-1) under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Moga, District Moga.
2. Learned counsel for the petitioner *inter alia* contends that a false and fabricated case has been planted upon the petitioner, who was a young boy of 16 years when the alleged recovery of 110 strips of Etizolam was effected from him. Learned counsel submits that even though the challan was presented way back on 16.11.2021, however, till date, the prosecution evidence had not concluded and hence, the petitioner could not be made to suffer incarceration for an indefinite period.

3. *Per contra*, while opposing the prayer and submissions made by the learned counsel for the petitioner, learned State counsel, on instructions, has submitted that a secret information was received *qua* the involvement of the petitioner in the sale and purchase of narcotic substances; subsequent thereto, the petitioner was apprehended after due compliance of all the mandatory provision of the NDPS Act. Learned State counsel, on instructions, has also brought to the notice of this Court that the petitioner is a habitual offender as he is involved in four other cases under the NDPS Act and one case for offences under the Indian Penal Code.

4. Learned State counsel has, on still further instructions, informed the Court that the trial would not take much time to conclude as now, only six prosecution witnesses remain to be examined. A prayer has, therefore, been made for dismissal of the instant petition.

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

6. In the facts and circumstances as enumerated hereinabove, *prima facie* the petitioner does come across as a habitual offender. The alleged recovery effected from the conscious possession of the petitioner has been classified as ‘commercial’, hence, this Court would not be inclined to enlarge the petitioner on bail.

7. The petition stands dismissed.

8. At this stage, learned counsel for the petitioner has prayed that keeping in view the long custody period of the petitioner, appropriate directions be issued to the learned trial Court to expedite the trial and conclude it expeditiously within a time bound manner. The learned trial Court shall make

earnest efforts to expedite the trial and conclude it expeditiously, preferably within the next four months.

9. 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.

February 14, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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