

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-M-3993-2024

Date of decision: 03.04.2024

Humesh Kumar @ Harmesh Kumar @ Mintu @ BabaPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amaninder Preet, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.42 dated 03.03.2020 under Sections 22, 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Patran, District Patiala (charges have been framed under Sections 22, 25, 21 of the NDPS Act and Sections 473, 482, 489 of the IPC).

2. Learned counsel for the petitioner inter alia contends that a false case has been planted upon the petitioner that he along with the co-accused on being asked by the police party to stop instead drove away to some village in the vicinity; after leaving the vehicle at the spot then fled away. Subsequently, a recovery of 170000 tablets of Tramadol was allegedly effected from the abandoned vehicle. Learned counsel submits that the petitioner was neither the owner of the vehicle from which the alleged recovery was effected nor was he apprehended at the

spot which lent further credence to a concocted case having been planted against him. He has further submitted that though he was arrested on 20.08.2020, the trial had not yet concluded as only 08 witnesses out of the 22 cited by the prosecution, had been examined, hence, in the circumstances, the petitioner could not be made to languish in custody for an indefinite period, and was entitled to be enlarged on bail.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Paramjit Kaur, has submitted that the petitioner is a man of criminal antecedents as it is a matter of record that even on previous occasions he has been involved in a number of criminal cases including cases under the NDPS Act. He has further submitted that a specific secret information was received qua the involvement of the petitioner and the co-accused to the effect that they both were transporting a huge consignment of Tramadol tablets in their vehicle. It was pursuant to the secret information received, the vehicle in which the petitioner and the co-accused were travelling was asked to stop by the police party, however, on seeing the police party from a distance they drove away to a nearby village before abandoning the car and fleeing away from the spot; when the police party searched the car, a huge recovery of 170000 tablets of Tramadol was effected from it. Learned State counsel has submitted that such huge recovery could not have been planted upon the petitioner and his previous involvement in cases under the NDPS Act left no manner of doubt that the secret information which had been received qua the petitioner was indeed

authentic. He has further submitted that as many as 08 prosecution witnesses have been examined and in all likelihood the trial would not take much time to conclude as only 14 formal witnesses remain to be examined now.

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

5. Prima facie, the petitioner does come across as a man of criminal antecedents as it is a matter of record that he is involved in a number of cases under the NDPS Act wherein also the alleged recoveries were huge. No doubt, the petitioner has been in custody for more than three and a half years having been arrested on 20.08.2020, however, in the facts and circumstances as enumerated hereinabove, particularly his criminal antecedents, this Court would not be inclined to extend the concession of bail to him.

6. Accordingly, the instant petition is hereby dismissed. 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.

7. At this stage, a prayer has been made by learned counsel for the petitioner for issuance of directions to the learned Trial Court to expedite the trial.

8. The learned Trial Court is directed to make earnest efforts to expedite the trial and conclude it at the earliest preferably within four months from today.

03.04.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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