



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

CRM-M No.6013 of 2024
Date of decision: 16th May, 2024

Ashu Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. R.S. Rangpuri, Advocate for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0072 dated 25.05.2023 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Malout, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner asserts that he has been falsely implicated in the present case; he was neither apprehended at the spot nor was the alleged recovery of 270 grams of Heroin made from him; instead, he was named as an accused based on a disclosure statement allegedly suffered by co-accused Suman. Learned counsel for the petitioner has argued that the disclosure statement, on the basis of which he has been challaned in the present case, has very poor



evidentiary value, indicating his false implication. It has still further been submitted that after his arrest on 25.05.2023 no recovery of any narcotic substance, much less Heroin, was affected from him. It has lastly been urged by the learned counsel that since the investigation in the present case is complete and even the chargesheet stands filed, the petitioner's further incarceration is unnecessary, as the trial would take considerable time to conclude.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that the petitioner is none other than the husband of co-accused Suman, on whose disclosure statement he was nominated as an accused; on the fateful day, the petitioner and his wife were riding a motorcycle. When signaled to stop by the police, the petitioner slowed down, allowing his wife to dismount who then threw a packet containing the contraband on the road before attempting to flee. His wife, i.e. the co-accused Suman was apprehended at the spot while the petitioner escaped on his motorcycle. The discarded packet was found to contain 270 grams of Heroin (commercial quantity). Learned State counsel has also drawn the attention of this Court to the custody certificate of the petitioner which has been filed today. He submits that a perusal of the custody certificate reveals involvement of the petitioner in a number of cases under the NDPS Act. Therefore, it is evident that



the petitioner has not been falsely implicated in the present case and rather, he is a habitual offender who has been repeatedly abusing the concession of bail granted to him in previous cases under the NDPS Act.

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

5. As per the allegations levelled in the FIR in question, annexed as Annexure P-1, the petitioner along with his wife, was traveling together on his motorcycle, while the wife was apprehended at the spot on suspicion when she attempted to flee, the petitioner managed to escape from the spot. The registration number of the motorcycle, on which the petitioner managed to escape, was also noted down by the police. The motorcycle in question belongs to the petitioner. Be that as it may, this Court does not deem it fit to extend the concession of bail to the petitioner who prima facie comes across as a habitual offender, who has repeatedly been getting involved in cases under the NDPS Act. The trial, as per instructions received by the learned State counsel, will not take much time to conclude as all the witnesses cited by the prosecution are officials. Learned State counsel has also given an undertaking that the witnesses would put in appearance regularly before the trial Court to get their evidence recorded.

6. In the facts and circumstances, as enumerated hereinabove, the petition stands 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.

(MANJARI NEHRU KAUL)
JUDGE

May 16, 2024
rps

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