

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.9443 of 2024
Date of decision: 25th April, 2024

Karaj Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Naresh Jain, Advocate for the petitioner.

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

MANJARI NEHRU KAUL, J. (ORAL)

1. This is second petition filed by the petitioner under Section 439 Cr.P.C. in case FIR No.16 dated 15.03.2022 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the Act added later on) registered at Police Station Mehtiana, District Hoshiarpur.

2. Learned counsel for the petitioner inter alia contends that no doubt the petitioner was on bail in two other cases under the NDPS Act which stood registered against him, when he was arraigned as an accused in the present FIR for being allegedly found in possession of 1 kg of Opium, however, he has been falsely implicated in the case in hand. It has been further submitted that a secret information was received by the police qua the involvement of two co-accused of the

petitioner; when the police went to arrest the co-accused the petitioner was found present and was arrested in the case at hand on 16.03.2022. Learned counsel submits that even though challan was presented on 24.04.2022, however, till date trial had not concluded as only 4 prosecution witnesses had been examined, hence in the circumstances, the petitioner be enlarged on bail as conclusion of the trial would take some time.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has informed the Court that it is evident that the petitioner, who has criminal antecedents, had misused the concession of bail when he was apprehended in the present case and on being arrested, recovery of 1 kg of Opium was then affected from him. Learned State counsel has further submitted no doubt only 4 prosecution witnesses have been examined till date, the next date of hearing fixed before the trial Court is 27.05.2024 when the remaining four prosecution witnesses are also likely to be examined; hence, there is every likelihood that the trial would not take much time to conclude. An undertaking has also been given by the learned State counsel, on instructions, that the prosecution would ensure that the remaining prosecution witnesses present themselves before the trial Court on the adjourned date and get their evidence recorded.

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

5. It is a matter of record that this is the third case under the NDPS Act which stands registered against the petitioner. He was on bail in the other two cases registered against him under the NDPS Act when he was apprehended with 1 kg of Opium. Trial, as per the instructions received by the learned State counsel, will not take much time to conclude, as remaining witnesses are all formal in nature. This Court, thus, keeping in view the criminal antecedents of the petitioner and the stage of trial, is not inclined to extend the concession of bail to the petitioner. The petition as such is 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.

6. In view of the long incarceration of the petitioner, the trial Court is directed to make earnest efforts to conclude the trial at the earliest.

(MANJARI NEHRU KAUL)
JUDGE

April 25, 2024
rps

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