

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.10855 of 2024
Date of decision: 6th March, 2024

Gurwinder Singh @ Chucha

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Bhawan Deep Jindal, Advocate for the petitioner.

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

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0009 dated 22.01.2020 under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the Act added later on) registered at Police Station Kheri Gandian, District Patiala.

2. Learned counsel for the petitioner inter alia contends that he has been in custody since 22.01.2020 and till date only 4 prosecution witnesses out of the 10 cited have been examined and hence, he cannot be made to languish in custody as there is no possibility of the trial concluding in the near future. Learned counsel further submits that false recovery of 2300 tablets of Microlit, 600 tablets of Clovidol and 160 tablets of Alprasafe has been planted upon him. He has further urged that

there was non compliance of the mandatory provisions of the NDPS Act, for which he deserves to be enlarged on bail.

3. Learned State counsel, on the other hand, while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Ram Singh, has informed the Court that a specific secret information was received qua the involvement of the petitioner in the crime in question; thereafter a naka was laid and he was then apprehended with a huge recovery, which already finds mentioned earlier. This Court has also been apprised by the learned State counsel, on instructions, that the petitioner is a man of criminal antecedents and comes across as a habitual offender as he has been previously involved in three other cases under the NDPS Act, out of which he is still facing trial in another case under the NDPS Act. Learned State counsel has submitted that since only 6 witnesses remain to be examined, who are formal in nature, trial would not take much time to conclude, hence, the prayer made by the petitioner for extending him the concession of bail be declined.

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

5. Prima facie, the petitioner does come across as a habitual offender. It is a matter of record that even as on date there are two cases under the NDPS Act pending against him, including the present one. Earlier also, the petitioner has been involved in two other cases under the NDPS Act. The recovery effected in the present case is huge and

classified as commercial under the Act. In the circumstances and keeping in view the fact that the trial is nearing conclusion, this Court is not inclined to extend the concession of bail to the petitioner. The petition as such stands dismissed.

6. 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 that keeping in view the long incarceration of the petitioner, the trial Court be directed to expedite the trial and conclude it at the earliest.

8. The trial Court shall make earnest efforts to conclude the trial expeditiously, preferably by 31.07.2024.

(MANJARI NEHRU KAUL)
JUDGE

March 6, 2024
rps

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