



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

225

CRM-M-13103-2024

Date of decision: July 23rd, 2024

Avtar Singh @ Badal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Judgepreet Singh Warring, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.105 dated 16.11.2016 under Section 22 of the NDPS Act, 1985, registered at Police Station Kotfatta, District Bathinda.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case, which involves the alleged possession of 60 strips of Pindol Forte tablets, with each strip containing 10 tablets. It has been further emphasized by the learned counsel that the petitioner's false implication is substantiated by the non-compliance of Sections 42 and 50 of the NDPS Act; no independent witness was joined, and the petitioner was not given a valid offer before his personal search.

3. It has been further submitted that the petitioner was previously extended the concession of bail by the learned trial Court vide order dated 22.12.2016. However, due to stress and depression, the petitioner could not appear before the trial Court and subsequently,

surrendered on 04.09.2023. It has been further urged by the learned counsel given that the trial would take a long time to conclude, further incarceration of the petitioner would serve no useful purpose and hence, he be enlarged on bail.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has submitted that the petitioner was apprehended after due compliance with all the mandatory provisions of the NDPS Act. The recovery affected from the petitioner has been classified as commercial under the NDPS Act. It has been further argued by the learned State counsel that although the petitioner was indeed previously granted regular bail by the learned trial Court, however, he had failed to appear on multiple occasions and only surrendered after a proclamation was issued against him. Hence, there is a significant apprehension that the petitioner might abscond again if granted bail. It has also been contended by the learned State counsel that the trial has been delayed due to the non-appearance of the petitioner, but since his re-arrest on 04.09.2023, the trial has been progressing smoothly with the prosecution evidence underway.

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

6. *Prima facie*, there are serious allegations against the petitioner of having been found in possession of commercial quantity of Tramadol Hydrochloride. Additionally, the petitioner's past conduct of jumping bail has caused delay in the trial, and there still remains a considerable risk of him absconding again.

7. In view of the aforementioned facts and circumstances, this Court does not find it appropriate to grant the concession of bail to the

petitioner. Consequently, the instant petition stands dismissed.

8. 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.

July 23rd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No