

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.15832 of 2024 (O&M)

Date of decision: 20th April, 2024

Kan Singh Purawat

... Petitioner

Versus

State of UT Chandigarh

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rahul Jaswal, Advocate for the petitioner.

Mr. Manish Bansal, Public Prosecutor UT Chandigarh and
Mr. Shubham Mangla, Advocate
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. This is second petition filed by the petitioner seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0060 dated 03.02.2023 under Sections 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the NDPS Act added later on) registered at Police Station Sector 36, Chandigarh.

2. On a pointed query put to the learned counsel for the petitioner as to what was the material change in circumstances after withdrawal of the previous petition, wherein similar relief had been sought, as recently as on 05.01.2024, he submits that thereafter the case has been adjourned on as many as four dates however, none of the prosecution witnesses have appeared to get their evidence recorded. He has further submitted that in the circumstances, likelihood of the trial concluding in the near future does not seem probable.

3. On merits, it has been submitted by learned counsel that the petitioner was not apprehended at the spot when the co-accused Jaswant Singh and Gurpreet Singh were apprehended on suspicion by the police and recovery of 30 kgs each of poppy husk was affected from them. It has been submitted that the petitioner has been falsely nominated in the instant case on the basis of a disclosure statement allegedly suffered by co-accused Gurpreet Singh, who stated that the recovered contraband had been supplied to them by the petitioner. It has, still further, been submitted that the disclosure statement on the basis of which the petitioner has been arraigned as an accused, does not have much evidentiary value.

4. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Sumer Singh, has submitted that no doubt the petitioner was not apprehended along with the co-accused Jaswant Singh and Gurpreet Singh and from whom total recovery of 60 kgs of poppy husk was affected; however, name of the petitioner surfaced in the disclosure statement made by co-accused Gurpreet Singh; pursuant to the disclosure statement suffered when the petitioner was arrested on 05.02.2023, huge recovery of 100 kgs of poppy husk was affected which prima facie corroborates the allegations which have been levelled against the petitioner in the FIR in question that he is the supplier of narcotic substances. Learned State counsel, on further instructions, has not disputed that on the preceding four dates no evidence of the prosecution witnesses could be recorded, however, he submits that the next date of hearing fixed before the trial Court is

30.04.2024 and in all likelihood some more witnesses are going to be examined on the said date.

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

6. Prima facie, involvement of the petitioner in drug trafficking cannot be ruled out. In addition, learned counsel for the petitioner has failed to bring to the notice of this Court any material change in circumstances after withdrawal of the previous petition under Section 439 Cr.P.C. on 05.01.2024. In the facts and circumstances, as enumerated hereinabove, this Court thus does not deem it fit to extend the concession of bail to the petitioner. The petition as such 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.

7. At this stage, a prayer has been made by learned counsel for the petitioner that 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.

(MANJARI NEHRU KAUL)

JUDGE

April 20, 2024

rps

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