

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15700-2024
Decided On: 05.04.2024

MANDEEP

.....PETITIONER(s)

Versus

STATE OF HARYANA

.....RESPONDENT(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.(Oral)

1. This is third petition under Section 439 Cr.P.C., praying for regular bail in case FIR No.447 dated 08.11.2020 under Sections 307, 34 IPC and Section 20 NDPS Act and 25 Arms Act, registered at Police Station Sadar Rohtak, District Rohtak, Haryana.
2. Learned counsel for the petitioner *inter alia* contends that a false recovery of 28 kgs of ganja has been planted upon him by the police. After he was arrested on 08.11.2020, charges were framed on 12.10.2022, however, till date none of the 21 witnesses cited by the prosecution had been examined. Learned counsel for the petitioner submits that in the circumstances, the petitioner cannot be made to languish in custody for reasons attributable to the prosecution alone, moreso, since all the witnesses cited by the prosecution are all officials.

3. Learned State counsel at the outset has been drawn the attention of this Court to the criminal antecedents of the petitioner, which find reflected in his custody certificate, which has been placed on record in the Court today. Learned State counsel has submitted that no doubt, after the framing of charges on 12.10.2022, the trial had not made any headway, however, it was precisely on account of the involvement of the petitioner in multiple criminal cases. Learned State counsel has further submitted that the petitioner was being taken on production warrants to various Courts in the other cases registered against him. Learned State counsel has also informed the Court that on 21.03.2023, the petitioner was convicted in FIR No. 210 dated 30.05.2010 under Section 302 IPC. Learned State counsel has still further submitted that there is every likelihood that recording of prosecution evidence would commence on the next date of hearing i.e. on 06.05.2024 and since, all the witnesses admittedly are officials, it would not take much time for the trial to conclude. Learned State counsel has further vehemently disputed the submissions made by learned counsel for the petitioner that a false recovery had been planted upon him. Learned State counsel has submitted that recovery of 28 kgs of ganja affected from the petitioner is huge and has been classified as commercial under the Act and there was no occasion for the police to plant such a huge recovery upon the petitioner.

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

5. Prima facie the petitioner comes across as a habitual offender as is evident from his custody certificate. This Court would, therefore, not be inclined to extend the concession of bail to the petitioner, moreso in the light of the huge recovery of contraband affected from him.

6. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of regular bail to the petitioners. Accordingly, the instant petitions are 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 for issuance of directions to the trial court to conclude the trial expeditiously as the petitioner has been in custody since 08.11.2020.

8. Keeping in view the long period of incarceration of the petitioner, the trial court is directed to make earnest efforts to conclude the trial expeditiously preferably within a period of five months.

05.04.2024

Aman Dua

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No