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**220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-19844-2024
Decided on : 04.09.2024

Balwinder Singh @ Shinda

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. P.S.Sekhon, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the second petition filed by the petitioner seeking concession of regular bail in case FIR No.59 dated 05.05.2021 under Sections 22, 25 and 29 of NDPS Act, 1985 registered at Police Station STF Phase IV SAS Nagar (Mohali) District SAS Nagar (Mohali).

2. Learned counsel for the petitioner submits that despite the petitioner being in custody since 05.05.2021, the trial had failed to conclude as 16 prosecution witnesses still remain to be examined. It has been further submitted that no doubt, as per the case of the prosecution, a secret information was allegedly received qua the involvement of the petitioner in drug trafficking, however, after the charges were initially framed on 09.12.2021, *de novo* trial had



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commenced as thereafter a supplementary challan was presented against one of the co-accused Kulwinder Singh @ Ghoki on 25.08.2023. Learned counsel has still further submitted that in the circumstances, the petitioner cannot be made to languish in custody as it would compromise with his personal liberty as guaranteed under the Constitution and also his right to speedy trial. Learned counsel has also asserted that the petitioner has been falsely implicated in the present case as it is a matter of record that he has never been involved in any other case under the NDPS Act coupled with the fact that the vehicle from which the alleged recovery was affected was not registered in his name.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed the stage of trial. However, it has been submitted by learned State counsel that following a specific secret information received by the police, the petitioner was intercepted while driving a car bearing registration No.DL-9CT-1116; not only was the name of the petitioner given but all other details including his physical appearance were also revealed by the secret informer. Learned State counsel has further submitted that it was pursuant to secret information that the petitioner was then apprehended and huge recovery of 1,80,000 tablets of Tramadol were affected from the vehicle. Learned State counsel has argued that the alleged recovery was 72 kgs (approximately), which is much beyond the minimum classified, i.e. 250



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grams, under the NDPS Act. Learned counsel for the State has still further submitted that in the circumstances, it could not be believed that the police would have planted such a huge recovery just to frame the petitioner in the crime in question.

4. Learned State counsel, on further instructions, submits that after the challan was presented, the trial had been initially proceeding at a reasonably good pace, however, thereafter supplementary challan was presented on 25.08.2023 leading to a *de novo* trial with charges being framed on 15.09.2023. Now only 16 prosecution witnesses remain to be examined, who in all likelihood would be examined in the near future. A prayer has, therefore, been made for dismissal of the instant petition in view of the huge recovery of contraband affected from the petitioner.

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

6. The recovery allegedly affected from the petitioner undoubtedly is huge and weighs much above the minimum classified as commercial under the NDPS Act. No doubt, the petitioner has been in custody for more than 3 years, having been arrested on 05.05.2021, however, there was specific secret information received qua his involvement in drug trafficking and it was only thereafter, he was allegedly apprehended with the aforesaid recovery. The trial has been delayed on account of presentation of supplementary challan against one of the co-accused Kulwinder Singh @ Ghoki. However, now



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prosecution evidence is underway and only 16 prosecution witnesses remain to be examined.

7. In the facts and circumstances as enumerated hereinabove coupled with the fact that a huge recovery of contraband was affected from the petitioner, this Court does not deem it fit to extend the concession of regular bail to the petitioner. Accordingly, 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.

9. At this stage, a prayer has been made by the learned counsel for the petitioner for directing the trial court to conclude the trial expeditiously in view of the long incarceration of the petitioner.

10. Thus, keeping in view the long incarceration of the petitioner, Trial Court concerned shall endeavour to conclude the trial expeditiously, preferably on or before 31.12.2024.

04.09.2024
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(MANJARI NEHRU KAUL)
JUDGE

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