



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.21125 of 2024
Date of decision: 22nd July, 2024

Sukhjinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ruhani Chadha, 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.22 dated 28.10.2021 under Sections 18, 25, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of the Arms Act, 1959 (Sections 411, 473 IPC added later on) registered at Police Station State Special Operation Cell, District Amritsar.

2. Learned counsel for the petitioner submits that the petitioner was arrested on 28.10.2021 when he was allegedly travelling in a car along with two co-accused; a recovery of 7 kgs of Opium was allegedly affected which was lying next to the feet of the co-accused Ranjit Singh. Learned counsel submits that the petitioner could not, in any manner, be connected with the alleged recovery, more so when it is a matter of record that he is not involved in any other criminal case



much less under the NDPS Act. It has, still further, been submitted that even though challan was presented on 26.04.2022 and charges framed thereafter, on 14.02.2023, however, trial had not concluded till date as only 8 witnesses cited by the prosecution had been examined so far. It has also been submitted by the learned counsel that had the petitioner been involved in drug trafficking, some recovery of contraband would have been affected from him after his arrest on 28.10.2021 as had allegedly been affected from the co-accused Jobandeep Singh and Ranjit Singh. Learned counsel has, therefore, prayed that since trial would take considerable time to conclude, the petitioner be enlarged on bail, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from Inspector Inderdeep Singh, has submitted that a specific secret information was received qua the petitioner and the two co-accused being involved in drug trafficking; pursuant to the secret information, when the vehicle, in which all the accused including the petitioner were travelling, was intercepted, huge recovery of 7 kgs of Opium was affected; thereafter, the two co-accused Jobandeep Singh and Ranjit Singh suffered a disclosure statement leading to a further recovery of 5 kgs of Opium and thereafter, another 5 kgs of Opium. Learned State counsel has further submitted that the delay in conclusion of the trial has been on account of the fact that after challan was presented on



26.04.2022, another supplementary challan was presented on 14.12.2023, as a result of which fresh charges were framed. It has also been submitted by the learned State counsel, on instructions, that only 7 prosecution witnesses out of the 26 cited remain to be examined and hence, there is every likelihood that the trial would not take much time to conclude. Status report by way of an affidavit of Balbir Singh PPS, DSP Counter Intelligence, Amritsar has been filed today in the Court, which is taken on record subject to all just exceptions.

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

5. As per the case of the prosecution, the petitioner along with co-accused were intercepted pursuant to a secret information, leading to the recovery of huge quantity of contraband i.e. 7 kgs of Opium, which has been classified as commercial under the NDPS Act. Prima facie, the petitioner's involvement in the instant case cannot be ruled out. Be that as it may, trial is nearing conclusion and hence, this Court does not deem it fit to enlarge the petitioner on bail. The petition as such is 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.

6. At this stage, a prayer has been made by learned counsel for the petitioner that the trial Court may be directed to expedite the trial and conclude it at the earliest.



7. In view of the fact that the petitioner has been in custody since 28.10.2021, the trial Court shall make earnest efforts to conclude the trial expeditiously, preferably on or before 30.12.2024.

(MANJARI NEHRU KAUL)
JUDGE

July 22, 2024
rps

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