

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

237

2024:PHHC:016078

CRM-M-23786-2023

Date of decision: February 6th, 2024

Kehar Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Satnam Singh Gill, Advocate
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.565 dated 23.12.2020 under Sections 15 and 25 of the NDPS Act registered at Police Station Indri, District Karnal.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is an 82 year old man and has been falsely implicated in the case in hand and has now been in custody for more than three years having been arrested on 23.12.2020. Learned counsel has submitted that till date, the trial has not concluded and hence, keeping in view the age of the petitioner, he be enlarged on bail.

3. Learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has brought to the notice of this Court that the petitioner is a habitual offender as there are as many as four other cases registered against him under the NDPS Act and in each of those cases, huge recoveries of contraband were effected from his conscious possession. Learned State counsel has submitted that the trial is at the fag end as not only the evidence stands

recorded but now the case is fixed for final arguments.

4. Learned counsel for the petitioner has, however, disputed the instructions, which have been received by the learned State counsel. He has submitted that an application under Section 311 of the Cr.P.C. has been moved by the prosecution for recalling a couple of prosecution witnesses and hence, there is every likelihood that the conclusion of the trial could be further delayed.

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

6. *Prima facie*, the petitioner comes across as a habitual offender as it is a matter of record that he is involved in a number of cases under the NDPS Act.

7. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner.

8. The instant petition stands dismissed.

9. At this stage, a prayer has been made by learned counsel for the petitioner that the trial Court be directed to expedite the trial keeping in view the long custody period of the petitioner.

10. Since the petitioner has been in custody for more than three years, the trial Court is directed to make earnest efforts to expedite the trial and conclude it preferably within three months from today.

11. 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.

February 6th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No