



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

CRM-M No.23020 of 2024
Date of decision: 25th July, 2024

Major Singh @ Kala

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gurpal S. Sandhu, 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.127 dated 26.07.2022 under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Patti, District Taran Taran.

2. On the last date of hearing, learned State counsel had placed on record the custody certificate of the petitioner. The prayer for being extended the concession of bail to the petitioner was vehemently opposed by the learned State counsel in view of his involvement in one other case under the NDPS Act. However, learned counsel for the petitioner had feigned ignorance about the involvement of the petitioner in another case under the NDPS Act and had sought an adjournment to verify the authenticity of the contents of the custody certificate filed by the learned State counsel.



3. Learned counsel for the petitioner has been unable to refute that the petitioner is indeed involved in one other case under the NDPS Act. However, he has vehemently submitted that the petitioner is a victim of false implication; the alleged recovery of 13200 tablets of Alprazolam has not been affected from the person of the petitioner but from a bag which was lying on the road, and hence, the petitioner cannot be connected with the said contraband. It has also been submitted that after the challan was presented on 19.01.2023, charges were framed on 06.03.2023, however, none of the prosecution witnesses had been examined and hence, on this ground alone the petitioner deserved to be extended the concession of bail as he has now been languishing in custody for two years, having been arrested on 26.07.2022.

4. Learned State counsel, on the other hand, has vehemently opposed the prayer made by the learned counsel for the petitioner by asserting that the recovery affected from the petitioner was huge, which has been classified as commercial under the NDPS Act; the petitioner was carrying a bag containing the alleged contraband. However, on seeing a police party, he panicked and attempted to evade the police; kept the bag on the road and on the pretext of answering the call of nature, he moved away. It was on suspicion that the petitioner was apprehended and then the aforesaid recovery, which was packed in 22 boxes, was affected totaling 13200 intoxicant tablets. Learned State



counsel has submitted that the trial would not take much time to conclude as only 7 prosecution witnesses have been cited.

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

6. The recovery allegedly affected from the petitioner is without doubt, huge; the petitioner is also stated to be involved in another case under the NDPS Act. This Court, therefore, in view of the aforesaid, would not be inclined to extend the concession of bail to the petitioner. 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.

7. The trial Court, however, is directed to make earnest efforts to expedite the trial in view of the fact that after the charges were framed on 06.03.2023, the trial has not proceeded further. Since only 7 prosecution witnesses have been cited, the trial Court shall endeavour to conclude the trial at the earliest, preferably within the next four months.

(MANJARI NEHRU KAUL)
JUDGE

July 25, 2024
rps

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