



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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1.

CRM-M-24115-2024
Date of decision: August 12th, 2024
- Manjeet @ Kaliya

.....Petitioner
- Versus
- State of Haryana

.....Respondent
2.

CRM-M-26719-2024
- Munni Devi

.....Petitioner
- Versus
- State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sushil Sheoran, Advocate
for the petitioner (in CRM-M-24115-2024).

Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner (in CRM-M-26719-2024).

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This order shall dispose of the above-mentioned petitions filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of bail to the petitioners, as they arise out of same FIR i.e. FIR No.128 dated 18.04.2020 under Section 188 (Section 201 added later on) of the IPC and Section 21 (C) (Sections 29 and 27A added later on) of the NDPS Act, registered at Police Station I.M.T. Rohtak.

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2. Learned counsel for petitioner-Manjeet @ Kaliya submits that the petitioner has been in custody since 18.04.2020 and till date, the trial has not concluded primarily on account of the prosecution witnesses absenting themselves before the trial Court to get their evidence recorded. It has been further submitted by the learned counsel that the petitioner is not involved in any other case under the NDPS Act, which further lends credence to his false implication in the present case, wherein a recovery of 1.560 kilograms of heroin was shown to have been affected from the petitioner and his co-accused Sandesh. Learned counsel has thus, prayed that in the aforementioned facts and circumstances, petitioner be extended the concession of bail as he cannot be made to languish in custody for an indefinite period.

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3. Learned counsel for petitioner-Munni Devi submits that even as per the case of the prosecution, she was not accompanying co-accused Manjeet and Sandesh from whom alleged recovery of 1.560 kilograms of heroin was affected. She came to be nominated as an accused on the basis of a disclosure statement suffered by co-accused, who stated that petitioner-Munni Devi had financed the co-accused for purchasing the recovered contraband. It has been argued by the learned counsel that the disclosure statement, on the basis of which petitioner has been arraigned as an accused in the present case, does not have much evidentiary value which also requires to be appreciated in the light of no recovery of any contraband having been affected from her when she was arrested in the present case on 21.12.2020.

Learned counsel for the petitioner has also submitted that since the trial has not concluded despite the fact that charges were framed way back on 11.08.2021, further incarceration of the petitioner would serve no useful purpose.

4. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. Learned State counsel, on instructions from ASI Baljeet, has submitted that a secret information was received qua the involvement of petitioner-Manjeet and co-accused Sandesh in drug trafficking; pursuant to the disclosure statement, petitioner Manjeet and Sandesh were apprehended and huge recovery of 1.560 kilograms of heroin was affected from their conscious possession after due compliance of all the mandatory provisions of the NDPS Act. It has been argued by the learned State counsel that the recovery affected from the petitioner and the co-accused is much higher than the minimum classified as commercial under the NDPS Act. It has also been brought to the notice of this Court that petitioner-Manjeet is a man of criminal antecedents as it is a matter of record that he is involved in 14 other criminal cases, although none are under the NDPS Act. Qua petitioner-Munni Devi, learned State counsel, on instructions, has submitted that this is not the first time that she has been involved in a case under the NDPS Act. Previously also, she has been booked for cases under the NDPS Act. He submits that it is a matter of record that she is facing trial in five cases under the NDPS Act including one conviction in those cases.

5. Learned State counsel, on further instructions, has submitted that no doubt that there has been some delay in the

conclusion of the trial, however, the trial would not take much time to conclude as only four prosecution witnesses now remain to be examined, who are formal in nature.

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

7. In the facts and circumstances as enumerated hereinabove, coupled with the huge recovery of contraband affected from petitioner-Manjeet as well as the criminal antecedents of the petitioners and the stage of trial, this Court does not deem it fit to extend the concession of bail to the petitioners.

8. The instant petitions stand dismissed.

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

10. Keeping in view the custody period of the petitioners, the learned trial Court is directed to make earnest efforts to expedite the trial and conclude it preferably within the next three months from today.

11. It would be expected of both, the prosecution as well as the defence to cooperate in the expeditious disposal of the trial.

12. 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.

August 12th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No