

231 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Decided on : 10.01.2024

CRM-M-28427-2022

Deepak Kataria Petitioner

Versus

State of Punjab Respondent

CRM-M-42735-2022

Amanpreet Singh @ Rinka Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.S.Majithia, Advocate
for the petitioner in CRM-M-28427-2022.

Mr. Ashish Rana, Advocate and
Mr. Hitesh Chopra, Advocate
for the petitioner in CRM-M-42735-2022.

Mr. A.P.S.Tung, DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

This order shall dispose of above-said two petitions as both of them have arisen out of same FIR. Brief facts of the case are taken from CRM-M-28427-2022.

1. This is the second petition filed by the petitioner seeking concession of regular bail in case FIR No.36 dated 03.03.2021 under Sections 21(c) and 25 of NDPS Act, 1985 (Section 29 of NDPS Act

added vide order dated 16.02.2023) registered at Police Station STF SAS Nagar (Mohali).

2. Learned counsel for the petitioner(s) *inter alia* contends that the petitioners have been in custody since 03.03.2021 and 05.03.2021 respectively for allegedly having been found in possession of 500 grams of heroin. It has been submitted that the trial has not proceeded any further and has come to a virtual standstill after the charges were framed on 09.11.2022 and still further, one prosecution witness out of 15 cited has been examined and that too only partially. Learned counsel has vehemently submitted that in the aforementioned facts and circumstances, the petitioners cannot be made to languish in custody for reasons attributable to the prosecution as it is the prosecution witnesses, who have not been putting appearance before the trial court for getting their evidence recorded.

3. Per contra, learned State counsel while vehemently opposing the prayer and submissions made by learned counsel for the petitioners, on instructions from ASI Karamjit Singh, has submitted that a specific secret information had been received qua the involvement of the petitioners in the sale and purchase of heroin; pursuant to the secret information received when the petitioners were intercepted by the police party, on search of the Active Scooter on which they were travelling a recovery of 500 grams of heroin was then effected from the vehicle, which belonged to petitioner No.1. Learned State counsel further submitted that in view

of the huge recovery effected, the petitioners did not deserve to be enlarged on bail.

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

5. In view of the huge recovery of heroin effected pursuant to secret information received qua the petitioners, they were apprehended at the spot by the police party. As per instructions received by the State counsel, the alleged recovery of 500 grams of heroin was effected after complying with all the mandatory provisions of NDPS Act. The alleged recovery effected from the petitioners is twice the minimum classified as commercial under the Act.

6. In view of the facts and circumstances as enumerated hereinabove, this Court is not inclined to allow the instant petition and grant regular bail to the petitioners. Accordingly, the present petition(s) stands dismissed.

7. However, in view of the long period of incarceration of the petitioners, the trial court is directed to make earnest efforts to conclude the trial expeditiously preferably within a period of five months.

10.01.2024
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(MANJARI NEHRU KAUL)
JUDGE

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