



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

227

CRM-M-29088-2024
Date of decision: August 6th, 2024

Zahid

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. Shiva Khurmi, Assistant Advocate General, Punjab.

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.2 dated 01.01.2020 under Sections 22 and 29 of the NDPS Act registered at Police Station Barnala.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated on the basis of a disclosure statement suffered by co-accused, who too had been nominated as accused on the basis of a disclosure statement suffered by Gurmail Singh, who was apprehended along with the recovered contraband. Learned counsel submits that the evidentiary value of the disclosure statement on the basis of which he has been arraigned as an accused is of a weak nature and hence, he deserves to be granted the concession of bail, more so since only 13 witnesses out of the 24 cited by the prosecution have been examined till date, even though the challan was presented on 06.12.2021 and the charges framed on 06.04.2022.

3. Learned State counsel while opposing the prayer and

submissions made by the counsel opposite has not disputed the stage of the trial and the factum of the petitioner’s name surfacing in the second disclosure statement made by co-accused. However, learned State counsel, on instructions from ASI Buta Singh, has argued that the petitioner is a habitual offender as it is a matter of record that he was previously involved in four other cases under the NDPS Act. Learned State counsel has submitted that even though the petitioner was in custody in the other cases registered under the NDPS Act, however, his sway over the other drug traffickers was evident from his repeated involvement in NDPS cases. It has been submitted that the trial would not take much time to conclude as now only formal witnesses remain to be examined.

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

5. No doubt, the petitioner has been in custody since 02.01.2020, however, this Court would not be inclined to extend the concession of bail to the petitioner in view of his criminal antecedents. *Prima facie*, the petitioner comes across as a habitual offender.

6. In the facts and circumstances as enumerated hereinabove, the instant petition stands dismissed.

7. Learned trial Court is directed to expedite the trial and conclude it positively within the next five months from today.

8. 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 6th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No