



CRM-M-31802-2024

[1]

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

[236]

CRM-M-31802-2024

Date of decision: 08.08.2024

Arshdeep Singh @ Arsh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amardeep Singh, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.33 dated 03.05.2023 for offences punishable under Sections 21C and 29 of the NDPS Act, 1985, registered at Police Station Chohla Sahib District Tarn Taran (Punjab).

2. Learned counsel for the petitioner submits that a false recovery of 305 grams of heroin has been planted upon him in the present case. He has now been in custody since 03.05.2023 and even though the challan was presented on 27.10.2023 and charges framed on 20.11.2023, the trial has not concluded as 13 prosecution witnesses still remain to be examined.

3. It has been further argued that the police apprehended the petitioner during the middle of night based solely on suspicion. The motorcycle from which 305 grams of heroin was recovered does not



even belong to the petitioner. Still further, though as per the prosecution, the DSP was called to the scene during the search of the petitioner and the recovery memo bears the signatures of the DSP, however, strangely there is no statement of the concerned DSP recorded under Section 161 Cr.P.C. which indicates that the DSP was not present at the time of the search and his signatures were obtained later, which undermines the credibility of the prosecution version.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner has submitted, on instructions, that a secret information was received qua the involvement of the petitioner in drug trafficking; pursuant to the secret information, recovery of 305 grams of heroin was effected from the boot of the motorcycle on which the petitioner was pillion riding at the relevant time. Further there was no occasion for the police to plant such a huge recovery of heroin on the petitioner.

5. Learned State counsel has still further submitted that there has been no delay in the trial, as 03 prosecution witnesses already stand examined and the next date fixed before the trial court is 20.08.2024 when four more witnesses have been summoned. Hence, the trial would not take much time to conclude.

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

7. The petitioner was named in a secret information and it is only pursuant thereto, the petitioner along with co-accused was intercepted by the police leading to a huge recovery of 305 grams of



heroin. The trial has seemingly been proceeding at a reasonably good pace.

8. In the facts and circumstances as enumerated hereinabove, and in view of the huge recovery affected from the petitioner, this Court does not deem it fit to extend the concession of bail to the petitioner.

9. The present petition is hereby dismissed.

10. 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 08, 2024
*Anjal**

(MANJARI NEHRU KAUL)
JUDGE

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