



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

CRM-M No.31629 of 2024
Date of decision: 3rd September, 2024

Karaj Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Naresh Jain, 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.16 dated 15.03.2022 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the Act added later on) registered at Police Station Mehtiana, District Hoshiarpur.

2. Learned counsel for the petitioner submits that he was allegedly apprehended on suspicion and thereafter, recovery of 1 kg of Opium was shown to have been affected from his conscious possession. He submits that a false recovery has been planted upon the petitioner, who has now been in custody for more than 2 years, having been arrested on 16.03.2022. It has also been submitted by the learned counsel that even though challan was presented way back on



24.04.2022 and charges framed on 02.09.2022, however, till date only 4 prosecution witnesses have been examined out of the 8 cited; hence, the petitioner cannot be made to languish in custody for an indefinite period to await the appearance of the prosecution witnesses to get their evidence recorded. A prayer has therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. He, on instructions from ASI Karnail Singh, has disputed the stage of the trial, by submitting that only 1 prosecution witness remains to be examined and the next date of hearing fixed before the trial Court is 11.09.2024 when the said witness too would be examined. It has also been submitted by the learned State counsel, on instructions, that the petitioner is a man of criminal antecedents, which is evident from a perusal of the custody certificate, which has been placed on record today. It has been, thus, submitted by the learned State counsel that in view of the stage of trial and criminal antecedents of the petitioner, his prayer for grant of regular bail be declined.

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



5. A recovery of 1 kg of Opium, which is much more than the minimum classified as commercial under the NDPS Act, was allegedly affected from the conscious possession of the petitioner, after due compliance of the mandatory provisions of the Act. The trial is nearing conclusion and there is every likelihood that it would not take much time to conclude. In addition, the petitioner comes across as a habitual offender. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit 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.

(MANJARI NEHRU KAUL)
JUDGE

September 3, 2024
rps

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