



CRM-M-33750-2024

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

CRM-M-33750-2024
Decided on : 23.09.2024

Avtar Singh @ Kala

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Dilpreet Singh Gandhi, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the fourth petition filed by the petitioner seeking concession of regular bail in case FIR No.97 dated 21.08.2022 under Sections 21 of NDPS Act, 1985 registered at Police Station Navi Baradari District Jalandhar Commissionerate.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 21.08.2022 in a case of false implication and till date, trial has not concluded as 7 prosecution witnesses still remain to be examined. It has been further contended that even otherwise, the recovery allegedly affected was not from the personal possession of the petitioner but from the tool box of the motorcycle on which he was pillion riding. Learned counsel has still further submitted that in the circumstances and keeping in view that



the alleged recovery i.e. 255 grams of heroin was just marginally higher than the commercial quantity as per the NDPS Act, the petitioner be enlarged on bail.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has submitted that the petitioner was apprehended along with the co-accused while they both were riding on a motorcycle, on suspicion. When the search of motorcycle was carried out, aforementioned recovery of heroin was affected, which has been classified as commercial. Furthermore, the petitioner was on bail in another case registered against him under the NDPS Act, which clearly indicated that he had misused the liberty, which had been granted to him. Learned State counsel has still further submitted that the petitioner was convicted in FIR No.65 dated 20.05.2021 registered under Sections 21/61 and 85 of NDPS Act at Police Station Khalchian although he has served out his sentence on 14.09.2024. It has also been submitted that only seven prosecution witnesses remain to be examined and the next date of hearing fixed before the Trial Court is 15.10.2024 when in all the likelihood, evidence of all the witnesses would be recorded. Hence, trial would not take much time to conclude.

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

5. Prima facie, the petitioner comes across as a habitual offender and has misused the concession of bail, which was granted to



him in case FIR No.65 dated 20.05.2021. The trial would not take much time to conclude as only seven prosecution witnesses remain to be examined and the next date of hearing fixed before the Trial Court is 15.10.2024.

6. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition stands dismissed.

7. 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.

23.09.2024
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(MANJARI NEHRU KAUL)
JUDGE

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