



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

(THROUGH VIDEO CONFERENCING)

CRM-M-34818-2024

Date of Decision:-09.09.2024

Manmeet @ Kaku.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Gagandeep Singh Simble, Advocate for the Petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this second petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.97 dated 15.05.2021 under Sections 22 and 29 of the NDPS Act registered at Police Station Civil Lines, Batala, Police District Batala, District Gurdaspur.

2. The brief facts of the case are that the petitioner-Manmeet @ Kaku came to be apprehended with 265 intoxicant tablets.

3. The counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The recovery was allegedly effected on 15.05.2021 at 7.15 pm, the information was received in the police station at 7.30 pm and the FIR came to be registered at 8.05 pm. However, the search memo and recovery memo etc., contained the FIR number which created doubts in the case of the prosecution. In fact the



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petitioner has been picked up from his house and framed in the present case. There were violations of the mandatory provisions regarding search and seizure. In the other case bearing FIR No.194 dated 03.08.2022 under Sections 21/61/85 of the NDPS Act P.S. Civil Lines Batala he had been granted the concession of bail. As he was in custody in the present case since 12.10.2023 but only 02 of the 09 PWs have been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. The Counsel for the State contends that other than the present case, the petitioner was an accused in FIR No.194 dated 03.08.2022 under Sections 21/61/85 of the NDPS Act P.S. Civil Lines Batala. Therefore, as the recovery was of commercial quantity of contraband and in view of the bar contained under Section 37 of the NDPS Act this Court could not record a finding that the petitioner had not committed the offence and was not likely to commit one in future. Quite to the contrary, once the petitioner had been granted interim bail on 02.07.2021 the second case came to be registered against him on 03.08.2022 which showed that he had scant regard for the law. He therefore prays that the present petition was liable to be dismissed.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner was granted the concession of interim bail on 2.7.2021. While on interim bail he was arrested in FIR No.194 dated 03.08.2022 under Sections 21/61/85 of the NDPS Act P.S. Civil Lines Batala. Therefore, the conduct of the petitioner leaves a lot to be desired. In this situation where there are multiple cases against the petitioner the requirement of law of recording a finding under Section 37 of the NDPS Act that the petitioner has not committed the offence and shall not commit one in



future cannot be recorded.

7. In view of the above, I find no merit in the present petition and the same stands dismissed.

8. However, the Trial Court is directed to conclude the Trial as expeditiously as possible but in any case not later than one year from the next date of haring fixed before it.

(JASJIT SINGH BEDI)
JUDGE

September 09, 2024
Vinay

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