



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

CRM-M No.35338 of 2024
Date of decision: 25th November, 2024

Ritik Kumar @ Gaggi
... Petitioner

Versus

State of Punjab
Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. G.S. Randhawa, Advocate for
Mr. Sukhbir S. Mandi, 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.56 dated 07.03.2023 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the NDPS Act added later on) registered at Police Station Special Task Force, STF Wing, District SAS Nagar, Mohali.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; even though he was arrested way back on 07.03.2023, trial has not concluded yet. Learned counsel further submits that a false recovery of 260 grams of Heroin has been planted upon the petitioner. 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 while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the custody period of the petitioner, however, he submits that a specific secret information had been received qua the involvement of the petitioner in drug trafficking; after due compliance of the mandatory provisions, search of the petitioner was carried out in the presence of a gazetted officer, leading to the recovery of 260 grams of Heroin from the pocket of his trousers. Learned State counsel has further submitted that the evidence is underway and now only 12 prosecution witnesses remain to be examined and thus, there is every likelihood that trial would not take much time to conclude.

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

5. No doubt, the petitioner has now been in custody since 07.03.2023, however, trial is proceeding at a considerably good pace, as prosecution evidence is being recorded before the trial Court and the next date of hearing fixed before the trial Court is 13.12.2024. The recovery allegedly affected from the petitioner has been classified as commercial under the NDPS Act. 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.

6. At this stage a request has been made by the learned counsel for the petitioner for directions to the trial Court to expedite the trial.

7. In the wake of the prayer made, the trial Court is directed to make earnest efforts to conclude the trial expeditiously, preferably within a period of next five months from today.

(MANJARI NEHRU KAUL)
JUDGE

November 25, 2024
rps

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