



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-37079-2024

Date of decision: 07.08.2024

Mewa Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Bhupinder Singh Kundra, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.64 dated 20.06.2020 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Mulepur, District Fatehgarh Sahib.

2. Learned counsel for the petitioner submits that he has been falsely implicated in the present case, merely because he happened to be taking a lift in the car which was being driven by co-accused Davinder Singh, who also happened to be the owner of the car. It has been submitted that the petitioner was not even aware about the co-accused carrying the recovered contraband i.e. 10020 tablets of Lomotil which was lying in the boot of the car. Learned counsel has further argued that all this needs to be appreciated in the light of the petitioner not having any criminal antecedents. It has still further been submitted



that the alleged recovery was effected on 20.06.2020 leading to the registration of the FIR in question, however, till date only 06 prosecution witnesses out of the 13 cited had been examined and hence on account of the inordinate delay in the conclusion of the trial, the petitioner deserved to be extended the concession of bail.

3. On a pointed query put to the learned counsel for the petitioner as to whether he was in any manner related to co-accused Davinder Singh, he has categorically replied in the negative and has reiterated that he had merely taken a lift in the car of co-accused Davinder Singh.

4. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by learned counsel for the petitioner. It has been argued by learned State counsel on instructions that it was on suspicion the petitioner along with the co-accused were intercepted by the police leading to a huge recovery of 10020 tablets of Lomotil. It has been submitted by the learned State counsel that no doubt the recovery was effected from the boot of the car, however, totally incorrect submissions have been made by the learned counsel for the petitioner that the petitioner had merely taken a lift in the car of the co-accused, and he was not related to him. It has been submitted that the petitioner is a relative of the co-accused and the alleged recovery was effected after due compliance of all the mandatory provisions of the NDPS Act; the petitioner had absconded during the trial for as long as 01 year and 05 months which had resulted in the delay in the conclusion of the trial; he was re-arrested only on 15.02.2022. Learned

State counsel has submitted that in the circumstances, it is the petitioner and petitioner alone who is to be blamed for the delay in the conclusion of the trial. It has still further been submitted on instructions that only 07 witnesses who are formal in nature, remain to be examined and hence, the trial would not take much time to conclude. It has also been argued by the learned State counsel that in case the petitioner is enlarged on bail, he could yet again abscond resulting in the trial getting further delayed.

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

6. The alleged recovery effected in the present case is huge and classified as commercial under the NDPS Act. It is a matter of record that the petitioner was declared a proclaimed offender in the present case which without doubt resulted in the trial getting delayed. Since only 07 formal witnesses remain to be examined, there is every likelihood that the trial would not take much time to conclude. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is hereby dismissed.

8. 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.

07.08.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

Whether reportable

:

Yes/No

:

Yes/No