



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

CRM-M No.41378 of 2023
Date of decision: 28th August, 2024

Deepak Garg

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. Gagandeep S. Chhina, Asst. Advocate General, Haryana
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.415 dated 08.10.2022 under Section 18(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Cheeka, District Kaithal.

2. Learned counsel for the petitioner submits that as per the case of the prosecution, a secret information was received qua the involvement of the petitioner in drug trafficking, however, there had been non-compliance of the mandatory provisions of the NDPS Act inasmuch as the information after being reduced into writing had not been sent by the Incharge, Special Detective Unit, Kaithal to superior officer. It has been further submitted that after the petitioner was arrested on 08.10.2022, charges were framed on 29.04.2023 however,



till date evidence of the prosecution was underway, hence, possibility of the trial concluding in the near future seemed impossible.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that a specific secret information was received qua the involvement of the petitioner in drug trafficking; pursuant to the information received the petitioner was apprehended along with a huge quantity of Opium i.e. 4 kgs (commercial quantity) in the presence of a gazetted officer. It has been further submitted that 13 witnesses out of the 22 cited by the prosecution have already been examined and the next date of hearing fixed before the trial Court is 02.09.2024 when some more witnesses are likely to be examined, and since all the remaining witnesses are police officials, there would not be any unnecessary delay in the conclusion of the trial.

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

5. Prima facie, the recovery alleged affected from the petitioner i.e. 4 kgs of Opium is much more than the minimum classified as commercial under the NDPS Act. The trial has been proceeding at a reasonably good pace and only 9 witnesses remain to be examined and who, as already submitted by the learned State counsel, are all police officials/formal witnesses. 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. However, the trial Court shall make earnest efforts to expedite the trial and conclude it at the earliest, preferably within a period of six months from today.

(MANJARI NEHRU KAUL)
JUDGE

August 28, 2024
rps

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