



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

233

CRM-M-40534-2024

Date of decision: 28.08.2024

Arik Masih @ Kanni

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Inder Pal Singh, 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 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.117 dated 07.05.2018 under Sections 21, 29, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Gate Hakima, District Amritsar.

2. Learned counsel for the petitioner submits that a false and fabricated case has been planted upon the petitioner. It has been submitted that the man kingpin was one Sunny Pratap Singh, who was lodged in Bathinda Jail. It has been further submitted that even though the petitioner was apprehended way back on 07.05.2018, the trial had not concluded so far as 07 witnesses out of the 20 cited by the prosecution, still remained to be examined. A prayer has, therefore, been made in the aforementioned facts and circumstances to extend the



CRM-M-40534-2024

concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has drawn the attention of this Court to the FIR which has been annexed as Annexure P-1. It has been argued by the learned State counsel, on instructions from ASI Tarlochan Singh, that a specific secret information had been received qua the involvement of the petitioner and the co-accused in trafficking of heroin. After due compliance of all the mandatory provisions of the NDPS Act, the petitioner was apprehended at the spot and a huge recovery multiple times more than minimum classified as 'commercial' under the NDPS Act i.e. 8 kgs of heroin was then effected from him. Learned State counsel has submitted that the petitioner is a man of criminal antecedents as it is a matter of record that this is not for the first time that the petitioner has been booked in cases under the NDPS Act. Learned State counsel has submitted that the petitioner has been convicted in as many as 03 other cases under the NDPS Act. It has also been submitted that the delay in the trial in the present has also been on account of the involvement of the petitioner in some other cases under the NDPS Act for which he was being taken on production warrants to different Courts. Learned State counsel has, thus, prayed for dismissal of the instant petition as there is every likelihood that the trial would be concluded very shortly.

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

5. Prima facie, the petitioner does come across as a habitual



CRM-M-40534-2024

offender and a man of criminal antecedents. The recovery allegedly effected from the petitioner in the present case is huge. Keeping in view the quantity of heroin recovered, stage of trial and the criminal antecedents of the petitioner, this Court does not deem it fit to extend the concession of bail to him.

6. Accordingly, the instant petition is hereby 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.

8. At this stage, a prayer has been made by learned counsel for the petitioner that since the petitioner has been in custody for more than 06 years, appropriate directions be issued to the learned Trial Court for expeditious disposal of the case.

9. In view of the prayer made by learned counsel for the petitioner, the learned Trial Court is directed to make earnest efforts to conclude the trial expeditiously, preferably on or before 31.12.2024.

28.08.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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