



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

229

CRM-M-43541-2024

Date of decision: 10.09.2024

GAGANDEEP SINGH ALIAS GAGNA

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rajdeep Singh Gill, Advocate for
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.103 dated 04.08.2021 under Section 22-C of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Dialpura, District Bathinda.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 04.08.2021 and till date the trial has not concluded as 6 prosecution witnesses still remain to be examined. It has been still further argued that the petitioner is innocent and a recovery of 40,000 tablets of Tramadol has been shown to be affected from him along with 50 bottles of Blurex Cough Syrup. A prayer has been made for



enlarging the petitioner on bail in view of his long incarceration as the trial has been delayed only on account of the non-appearance of the prosecution witnesses, who, in the present case, are police officials.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has submitted that the petitioner is a man of criminal antecedents and it is a matter of record that he stands booked in 9 other criminal cases including cases under the NDPS Act; a specific secret information was received with respect to the involvement of the petitioner in drug trafficking and subsequent thereto, the petitioner was apprehended with a huge recovery of 40000 tablets of Tramadol (commercial quantity). Learned State counsel has, on instructions from ASI Harjinder Singh, disputed the submissions made by the learned counsel opposite that 6 prosecution witnesses remain to be examined. It has been submitted that the trial is nearing completion as only one prosecution witness remains to be examined. It has also been submitted by the learned State counsel that there is no question of the petitioner being falsely implicated in the present case and it is improbable that such a huge recovery of contraband would have been planted upon the petitioner. Learned State counsel has still further submitted that the delay in conclusion of the trial can also be attributed to the petitioner's involvement in other criminal cases for which he has to be taken on production warrants to different Courts.

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

5. No doubt the petitioner has been in custody for little more than three years, however, the trial would not take much time to conclude as only one prosecution witness now remains to be examined. This Court cannot turn a blind eye to the huge recovery allegedly affected in the present case and also the criminal antecedents of the petitioner which find reflected in the custody certificate, which has been placed on record today, by the learned State counsel.

In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition 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. However, the learned trial Court is directed to make earnest efforts to conclude the trial expeditiously preferably before 31.12.2024.

(MANJARI NEHRU KAUL)
JUDGE

September 10, 2024
poonam

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