

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-47586-2022

Date of decision: 15.02.2024

Manpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.182 dated 24.07.2022 under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Lambi, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner inter alia contends that a false and fabricated case has been planted upon the petitioner for having been found in possession of 1000 tablets of Tramadol along with 30 grams of intoxicant powder which was allegedly recovered from the pocket of his trouser. Learned counsel submits that the petitioner has clean antecedents and it was evidently one of those cases wherein a false recovery had been planted upon him on account of a previous animosity between the petitioner accused and the police. It has

been further submitted that after the petitioner was arrested on 24.07.2022 challan was presented on 19.01.2023 followed by framing of charges on 18.03.2023, however, till date the trial had not concluded as prosecution evidence was yet to commence. It has been still further submitted that in identical circumstances, Coordinate Benches of this Court had been extending the concession of bail to the accused even though the recovery had been classified as commercial under the NDPS Act.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has submitted that that the petitioner along with co-accused were apprehended on suspicion; an offer of search in compliance of Section 50 of the NDPS Act was made to accused, however, they consented to get themselves searched by the police officials, who were present at the spot; in which regard a consent memo too had been prepared and which bears the signatures of the petitioner. Learned State counsel on instructions has disputed the submissions made by the counsel opposite that the trial had come to a virtual standstill on account of the trial not having proceeded after framing of charges on 18.03.2023. Learned State counsel on instructions has informed the Court that the prosecution evidence is underway as 02 out of the 13 witnesses cited by the prosecution already stand examined and the next date fixed before the Trial Court is 01.03.2024 when some more witnesses are likely to be examined. It has also been submitted by the learned State counsel that since all the witnesses are official witnesses, there is every possibility that the trial would not take much

time to conclude. Learned State counsel, on instructions, has submitted that no doubt the petitioner is not involved in any other case under the NDPS Act, however, the recovery of contraband effected from him was huge and fell under commercial quantity under the NDPS Act coupled with the fact that the recovery of 30 grams of intoxicant powder was effected from his conscious possession i.e. pocket of his trousers. It has been submitted that on seeing the police party, the petitioner threw the bag containing 1000 tablets of Tramadol. It has also been argued that had it been a case of false implication, it is highly unlikely that the police would have planted such a huge recovery on the petitioner.

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

5. The alleged recovery effected from the petitioner is huge and has been classified as commercial under the NDPS Act. No doubt, the petitioner is not involved in any other criminal case, however, the petitioner was nabbed on suspicion, who along with the co-accused, on seeing the police party panicked and threw the bag containing the contraband. It is not the case of the petitioner that after charges were framed on 18.03.2023, the trial had come to a standstill; admittedly recording of evidence is underway, as 02 prosecution witnesses already stand examined. As per the State counsel the next date of hearing before the Trial Court is 01.03.2024 when some more witnesses have been summoned and most of them are formal witnesses. Hence, the trial would not take much time to conclude.

6. Accordingly, the instant petition is hereby 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.

7. However, learned Trial Court would make earnest efforts to expedite the trial and conclude it at the earliest.

15.02.2024	(MANJARI NEHRU KAUL)
Vinay	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No