

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.49055 of 2023
Date of decision: 13th March, 2024

Amarjit Singh @ Cheema

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vipul Jindal, Advocate for the petitioner.

Mr. Navdeep Singh, Dy. Advocate General, Punjab
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.171 dated 20.06.2021 under Section 21(b)/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sultanupr Lodhi, District Kapurthala.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely framed in the instant case for having allegedly been found in possession of 250 gms of Alprazolam powder along with 10 grams of Heroin in a case of chance recovery. It has been further submitted that despite the petitioner having been arrested on 20.06.2021, the trial has not yet concluded as only 3 prosecution witnesses out of the 9 cited stand examined till date. A prayer has

therefore been made for enlarging the petitioner on bail as there is no possibility of the trial concluding in the near future.

3. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. He, on instructions from ASI Harbhajan Singh, has informed the Court that the petitioner is a man of criminal antecedents as he is involved in three other cases under the NDPS Act; he was apprehended when he was on bail in the other three criminal cases which already stood registered against him and hence, it was evident that he had misused the said concession. Learned State counsel has also submitted that since the petitioner is facing trial in other cases under the NDPS Act, the conclusion of the trial is being delayed also because he has to be taken on production warrants before different courts in those cases. Learned State counsel has therefore, submitted that in all likelihood the trial would not now take much time to conclude as only formal witnesses remain to be examined.

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

5. Prima facie, the petitioner comes across as a habitual offender; the alleged recovery was effected after due compliance of the mandatory provisions of the NDPS Act. Be that as it may, since the trial is nearing conclusion, this Court does not deem it fit to extend the concession of bail to the petitioner. The petition as such stands 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. At this stage, a prayer has been made by learned counsel for the petitioner that keeping in view the long incarceration of the petitioner, the trial Court be directed to expedite the trial and conclude it at the earliest.

7. The trial Court shall make earnest efforts to conclude the trial expeditiously, preferably within a period of next four months.

(MANJARI NEHRU KAUL)
JUDGE

March 13, 2024

rps

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