



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

219

CRM-M-50376-2023  
Date of decision: May 15<sup>th</sup>, 2024

Vakeel Singh

.....Petitioner

Versus

Union of India

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Piyush Sharma, Advocate  
for Mr. Vaibhav Nagori, Advocate  
for the petitioner.

Ms. Promila Nain, Senior Panel Counsel, UOI.

**MANJARI NEHRU KAUL, J. (ORAL)**

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in a complaint case bearing NCB Crime No.59 dated 09.09.2022 under Sections 8, 21, 23, 25, 27A, 29 and 60 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Narcotics Control Bureau, Amritsar.

2. Learned counsel for the petitioner submits that even though he was arrested way back on 09.09.2022, however, till date, the trial had not concluded as the prosecution evidence was still underway. He submits that since 21 prosecution witnesses still remain to be examined, the possibility of the trial concluding in the near future does not arise and hence, he deserves to be enlarged on bail, more so since he does not have any criminal antecedents.

3. Learned counsel has still further submitted that a false recovery of 1.79 kilograms of heroin has been planted upon the petitioner by the BSF, which allegedly seized the aforementioned contraband from the cavity of a tractor, which did not even belong to the petitioner.

4. Learned counsel for Union of India, while opposing the prayer and submissions made by the counsel opposite, has drawn the attention of this Court to the complaint, which has been annexed as Annexure P-1. Learned counsel has submitted that it was on suspicion the tractor was intercepted by the BSF on the Indo-Pak border and thereafter, from the cavity of a tractor, which was without any number plate, huge recovery of 1.79 kilograms of heroin was affected, which had been camouflaged in two bottles of cold drink weighing 1.25 litres each; the tractor was being driven by the petitioner and, though not in the name of the petitioner, it was in the name of his own brother. Hence, it was discernible that the petitioner was in conscious possession of the contraband, which was seized from a cavity, which had been created specifically for the said purpose.

5. Learned counsel for UOI has further submitted that the charges were framed as recently as on 30.08.2023 and not even on a single occasion had any adjournment been sought by the prosecution; there was every likelihood that the trial would not take much time to conclude as all the witnesses are officials. It has also been submitted that the next date fixed before the trial Court is 27.05.2024 when some more witnesses are likely to be examined. Learned counsel appearing for the NCB has given an undertaking in the Court that no adjournment would be sought by the prosecution and they would extend all

cooperation to ensure that the trial concludes expeditiously. A prayer has been made that in view of the huge recovery affected and the petitioner having links across the border, he be not extended the concession of bail as there is every likelihood that he could abscond during the pendency of the trial.

6. I have heard learned counsel for the parties and perused the relevant material on record.
7. In the facts and circumstances as enumerated hereinabove, especially keeping in view the huge recovery of contraband affected, this Court does not deem it fit to extend the concession of bail to the petitioner.
8. The instant petition stands dismissed.
9. 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.

May 15<sup>th</sup>, 2024  
*Puneet*

(MANJARI NEHRU KAUL)  
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No