

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226 (2 cases)

1. CRM-M-52093-2023
Date of decision: 12.03.2024

Sahib Singh @ SahbiPetitioner

Versus

State of PunjabRespondent

2. CRM-M-52115-2023
Date of decision: 12.03.2024

Gurpreet Singh @ GoraPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.L. Chander Shekhar, Advocate
for the petitioners.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.92 dated 12.08.2021 under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Talwandi Chaudharian, District Kapurthala.

2. Learned counsel for the petitioners inter alia contends that the petitioners have been falsely implicated in the instant case by the police for having allegedly been found in possession of 115 and 110 intoxicant tablets respectively. Learned counsel submits that no recovery was effected from the conscious possession of the petitioners

CRM-M-52093-2023
CRM-M-52115-2023

and the alleged recovery was effected from the plastic bags which were lying on the road. It has been submitted that the alleged recovery has thus been planted upon the petitioners. It has also been submitted that till date none of the prosecution witnesses have been examined and hence, there is no likelihood of the trial concluding in the near future for which they both deserve to be enlarged on bail.

3. Learned State counsel, on the other hand, has vehemently opposed the prayer and submissions made by the counsel opposite and disputed his submissions. It has been submitted by the learned State counsel on instructions from ASI Baldev Singh, that the petitioners are habitual offenders as it is a matter of record that they are involved in another case under the NDPS Act. It has also been submitted that the petitioners were apprehended on suspicion, who on seeing the police party, threw the plastic packets containing the recovered contraband on the roadside. Learned State counsel has on further instructions submitted that the recovery effected is much more than the minimum classified as commercial under the NDPS Act. Learned State counsel on instructions has also disputed the status of the trial. He, on further instructions, has informed the Court that only 04 prosecution witnesses out of the 09 cited remain to be examined and the next date fixed before the learned Trial Court is 19.03.2024. Learned State counsel has still further informed the Court that initially the petitioners were granted the concession of regular bail, however, they absconded during trial and it was only on 25.05.2023 and 08.05.2023 respectively, they could be arrested. Learned State counsel has thus submitted that in the facts and circumstances, in case the petitioners are enlarged on bail there could

CRM-M-52093-2023
CRM-M-52115-2023

be yet again a possibility of they both being involved in similar case and also there could be a possibility of them absconding during trial.

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

5. As per instructions received by the learned State counsel, the trial is nearing conclusion as only 04 prosecution witnesses remain to be examined. The alleged recovery effected from the petitioners has been classified as commercial under the NDPS Act. The petitioners are also stated to be involved in other criminal cases including a case under the NDPS Act. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioners.

6. Accordingly, both the petitions are 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.

12.03.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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