

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

1. CRM-M No.58504 of 2022

Amarjit Singh  
... Petitioner  
Versus  
State of Punjab  
... Respondent

2. CRM-M No.3439 of 2023

Malkiat Singh @ Kaka  
... Petitioner  
Versus  
State of Punjab  
... Respondent

Date of decision: 24<sup>th</sup> January, 2024

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Suram S. Rana & Arvind K. Sharma,  
Advocates for the petitioners.  
Mr. Mohit Kapoor, Addl. Advocate General, Punjab  
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners in both the petitions detailed hereinabove are seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.196 dated 15.07.2020 under Sections 15, 25, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Shahkot, District Jalandhar (Rural).
2. Learned counsel appearing on behalf of the petitioners submits that even though the petitioners were arrested on the same day i.e. 15.07.2020, however, the trial had not concluded as 6 prosecution

witnesses still remained to be examined. It has been further submitted that a false recovery of 1.25 quintals of poppy husk has been planted upon the petitioners Amarjit Singh and Malkiat Singh, who were traveling together in a car. Learned counsel submits that there were serious discrepancies in the case of the prosecution with respect to the preparation of various memos at the spot, where the police had allegedly intercepted the petitioners, which left no manner of doubt about their false implication.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that the petitioners were traveling together in a car owned by petitioner Amarjit Singh. After complying with all the mandatory provisions of the NDPS Act, a huge recovery of 125 kilograms of poppy husk was effected from them. It has also been brought to the notice of this Court that when the alleged recovery was effected from the petitioners, petitioner Malkiat Singh alias Kaka was on bail following his conviction in another case registered under the NDPS Act and thus, he had misused the concession of bail. Learned State counsel has also apprised the Court that the next date of hearing fixed before the Trial Court is 01.02.2024 and in all likelihood the trial shall not take much time to conclude.

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

5. Only 6 witnesses cited by the prosecution remain to be examined and hence, trial shall not take much time to conclude. A huge recovery of 1.25 quintals of poppy husk, which has been classified as commercial, was allegedly effected from the vehicle owned by petitioner, Amarjit Singh, while he along with petitioner Malkiat Singh were traveling together. In view of the huge recovery effected coupled with the status of the trial, this Court does not deem it fit to allow the concession of bail to the petitioners. Both the petitions stand dismissed.

6. 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. At this stage, a prayer has been made by learned counsel for the petitioners that the trial Court may be directed to expedite the trial and conclude it at the earliest in view of their long custody period.

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

(MANJARI NEHRU KAUL)  
JUDGE

January 24, 2024  
*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |