

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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1. CRM-M-56999-2023
Date of decision: 16.01.2024

Lovepreet Singh @ LuckyPetitioner
Versus

State of PunjabRespondent

2. CRM-M-62155-2023
Date of decision: 16.01.2024

Sandeep ShardaPetitioner
Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Malkiat S. Hundal, Advocate
for the petitioner in CRM-M-56999-2023.

Mr. Vivek K. Thakur, Advocate
for the petitioner in CRM-M-62155-2023.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. These are the third and fifth petitions respectively filed by the petitioners under Section 439 of the Cr.P.C. for grant of bail to them in case FIR No.28 dated 19.03.2021 under Section 22C, 29, 61,85 of the NDPS Act registered at Police Station Jhabal, Tarn Taran.

2. Learned counsel for the petitioners inter alia contend that after the withdrawal of the previous petitions under Section 439 of the Cr.P.C. in May, 2023, the trial had not made any progress and on this ground itself coupled with the long incarceration of the petitioners, who have now been in custody since 19.03.2021, the instant petition be allowed and the petitioners be enlarged on bail. Learned counsel have

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also further submitted that a false and fabricated case had been planted upon the petitioners for being found in possession of 5400 tablets of Tramadol. They submit that since the petitioners have no criminal antecedents, it further lends credence to their false implication in the case in hand.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioners, on instructions, has submitted that the petitioners were nabbed on suspicion and thereafter a huge recovery of 5400 tablets of Tramadol was effected from them, while they were riding a motorcycle. On seeing the police, they panicked and threw away the bag containing the contraband. Learned State counsel has submitted that the recovery effected was huge i.e. more than one and half kg from each of the petitioner, totally more than 2 kgs from both the petitioners. Learned State counsel has still further submitted that the trial is nearing conclusion as 09 prosecution witnesses out of the 12 cited already stand examined and the next date fixed before the Trial Court is 30.01.2024 when some more prosecution witnesses have been summoned to depose.

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

5. This Court does not deem it fit to extend the concession of bail to the petitioners in view of the recovery effected from them which has been classified as commercial under the NDPS Act. Accordingly, the instant petitions are hereby dismissed.

6. However, it is made clear that anything observed

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hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Learned Trial Court is directed to expedite the trial and make earnest efforts to conclude it at the earliest preferably within 04 months from today.

16.01.2024 (MANJARI NEHRU KAUL)
Vinay JUDGE

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