



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.60597 of 2023
Date of decision: 5th August, 2024

Ashu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Suram S. Rana, Advocate for the petitioner.

Mr. Amit Rana, Sr. 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.0164 dated 20.08.2022 under Sections 21/25/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Samrala, District Ludhiana.

2. Learned counsel for the petitioner submits that he has been falsely implicated in the present case without there being any material whatsoever to connect him with the alleged recovery of 300 grams of Heroin which was allegedly affected from a car. Learned counsel submits that the petitioner was neither the registered owner of the car in question nor was he driving the said vehicle from which the police recovered 300 grams of Heroin. It has, still further, been submitted that even though the petitioner was arrested on 20.08.2022, the trial had not concluded so far, as 9 prosecution witnesses still remained to be



examined. Learned counsel has, therefore, submitted that in the aforementioned facts and circumstances, further incarceration of the petitioner would serve no useful purpose as the trial would take considerable time to conclude.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has filed the custody certificate of the petitioner in the Court today. The same is taken on record subject to all just exceptions. Learned State counsel has submitted that a perusal of the custody certificate clearly reveals that the petitioner is a man of criminal antecedents; he is involved in five other criminal cases including cases under the NDPS Act. Learned State counsel has, on instructions, submitted that it was on suspicion the petitioner along with the co-accused were intercepted by the police leading to the recovery of 300 grams of Heroin which had been placed next to the gearbox of the car; the petitioner, though not driving the vehicle, was seated besides the co-accused on the front seat. Furthermore, the recovery was effected from the car after due compliance of all the mandatory provisions of the NDPS Act and hence, there was no question of the petitioner's false implication in the present case. Learned State counsel has further submitted that the petitioner was apprehended on 20.08.2022 in the present case, while he was on bail in the other criminal cases pending against him. Hence, it was evident that even after being released on bail in the other criminal cases, which already stood registered against him, he had been indulging in drug trafficking.



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

5. The petitioner, as per the case of the prosecution, was apprehended along with the co-accused on suspicion and a recovery of 300 grams of Heroin, which has been classified as commercial under the NDPS Act, was affected from inside the car, after due compliance of all the mandatory provisions of the Act. The petitioner, as per the custody certificate, is involved in a number of criminal cases. No doubt, only 2 prosecution witnesses out of the 11 cited have been examined till date, however, in the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner. The petition as such is 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 the trial Court be directed to expeditiously conclude the trial in the wake of the long incarceration of the petitioner.

7. The trial Court shall make earnest efforts to expedite the trial and conclude it at the earliest.

(MANJARI NEHRU KAUL)
JUDGE

August 5, 2024
rps

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