



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

222

1. CRM-M-60280-2023

KULDEEP SINGH @ KALA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

2. CRM-M-61442-2023

KARAMJINDER SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

Date of decision: May 06, 2024

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. J.S. Sandhu, Advocate
for the petitioner
(in CRM-M-60280-2023).

Mr. Gursahib Singh Hundal, Advocate
for Mr. Vikramjeet Singh, Advocate
for the petitioner
(in CRM-M-61442-2023).

Mr. Navdeep Singh, Deputy Advocate General, Punjab
with ASI Babu Lal.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners in both the petitions filed under Section 439 of the Code of Criminal Procedure, 1973 detailed hereinabove, are seeking the concession of regular bail in case FIR No.30 dated 20.04.2022 under Section 22(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (and Section 29 of the NDPS Act added later on), registered at Police Station Kotfatta, District Bathinda.

**CRM-M-60280-2023 & CRM-M-61442-2023****-2-**

2. Learned counsel for the petitioners submit that a false recovery of 2100 tablets of Tramadol and 4200 tablets of Alprazolam had been planted upon the petitioners, who were allegedly travelling together on a motorcycle on 20.04.2022. Learned counsel has submitted that even though the challan was presented on 17.10.2022, till date, the prosecution evidence was still underway as only 3 witnesses out of the 13 cited by the prosecution had been examined. Learned counsel has further submitted that at the time of the alleged recovery, no independent witness was joined, which further raises a question mark about the truthfulness of the prosecution version brought forth against the petitioners. Learned counsel has submitted that the petitioners being innocent, is also evident from the fact that they have no criminal antecedents. A prayer has therefore been made to extend the concession of bail to the petitioners as in the aforementioned circumstances, the likelihood of the trial concluding in the near future may not be possible.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsels opposite, on instructions, has informed the Court that the petitioners were apprehended on suspicion while they were going on a motorcycle; the motorcycle was registered in the name of petitioner-Kuldeep Singh whereas the petitioner-Karamjinder Singh, who was pillion riding, was holding the plastic bag containing the recovered contraband. Learned State counsel has submitted that after complying with the mandatory provisions of the NDPS Act, the alleged recovery was effected and hence, there was no question of the false implication of the petitioners.

4. Learned State counsel has disputed the submissions made by the counsel opposite that as on date, only 3 witnesses have been examined by the

**CRM-M-60280-2023 & CRM-M-61442-2023****-3-**

prosecution. It has been further submitted, on instructions, that as many as 6 prosecution witnesses have been examined and the remaining 7 witnesses are only formal in nature and thus, the trial would not take much time to conclude. Learned State counsel has also submitted that the recovery effected from the petitioners is huge and has been classified as 'commercial' under the NDPS Act.

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

6. In the facts and circumstances as enumerated hereinabove, this Court would not be inclined to grant the concession of bail to the petitioners in view of the huge recovery of contraband effected from the conscious possession of the petitioners. The trial would not take much time to conclude as only formal witnesses remain to be examined.

7. The petitions stand dismissed.

8. At this stage, a request has been made by learned counsel for the petitioners for directing the learned trial Court to expedite the trial in view of the long incarceration of the petitioners.

9. In view of the request made, the trial Court concerned is directed to make earnest efforts to conclude the trial expeditiously, preferably within a period of 4 months from today.

10. 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.

11. Photocopy of this order be placed on the file of the connected case.

May 06, 2024*Jaspreet Kaur***(MANJARI NEHRU KAUL)
JUDGE**

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