



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

242

CRM-M-10090-2025**Date of decision: April 29, 2025**

SATISH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sahir Singh Virk, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.189 dated 12.06.2023 under Section 20 of the NDPS Act, 1985, registered at Police Station Asaudha, District Jhajjar (Annexure P-1).

2. Learned counsel for the petitioner submits that the petitioner has been languishing in custody since 12.06.2023 in a case of false implication. It has been asserted that the petitioner's right to a speedy trial has been severely compromised as the trial has been proceeding at a very slow pace with only 1 prosecution witness out of the 13 having been examined so far, even though the charges were framed way back on 28.05.2024. It has still further been argued that the petitioner's false implication in the present case is also evident from the fact that he has never ever been booked in any case under the NDPS Act. It has still further been asserted that delay in the conclusion of the trial is attributable to the prosecution as on many dates, the prosecution witnesses have sought an adjournment. A prayer has therefore been made for extending the concession of bail to the petitioner.



3. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. On instructions, he has submitted that a specific secret information had been received qua the involvement of the petitioner in drug trafficking. Pursuant to the secret information, the petitioner was apprehended by the police while he along with the co-accused were travelling in a vehicle bearing registration No. HR 26 BD 7899. After due compliance of the mandatory provisions of the NDPS Act, a huge recovery weighing 156.27 kgs of Ganja was recovered from them. The accused including the petitioner were unable to produce any license or permit with respect to the recovered Ganja. It has been argued by the learned counsel that it is totally unbelievable that the petitioner would be falsely implicated in a case under the NDPS Act by the police and such a huge recovery would be planted upon him and the co-accused, moreso when it is not even the case of the accused that the police have any axe to grind with them. It has been further submitted that the petitioner is not involved in any case under the NDPS Act, which is evident from the custody certificate of the petitioner filed in the Court today, however, the petitioner is booked in a case under the Arms Act. Furthermore, it has been asserted that only on a few dates of hearing, the prosecution witnesses were not present, otherwise on most of the dates of hearing, the prosecution witnesses have been appearing before the learned trial Court, and therefore, any delay in the conclusion of the trial cannot be attributed to the prosecution. It has also been submitted that the counsel for the defence had also sought adjournment before the learned trial Court on a few dates.

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

5. The recovery effected in the present case is huge (156.27 kgs of *ganja*), which is multiple times more than the minimum classified as 'commercial' under the NDPS Act. The petitioner no doubt is not stated to be involved in any other case under the NDPS Act, however, in the present



case, he along with the co-accused were apprehended, following a specific tip off regarding their involvement in drug trafficking and the recovery was effected from the car, in which all the accused including the petitioner were travelling.

6. In view of the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to accept the prayer of the petitioner for being extended the concession of regular bail.

7. Accordingly, the instant petition stands dismissed.

8. However, learned trial Court shall make earnest efforts to conclude the trial expeditiously in view of the slow progress of the trial after the charges were framed on 28.05.2024. It goes without saying that the prosecution as well as the defence would also cooperate with the expeditious conclusion of the trial.

9. 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.

April 29, 2025

Jaspreet Kaur

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*