

2025.PHHC.019801



205.

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

CRM-M-46734-2024

Date of decision: 07.02.2025

Arshdeep Kumar @ Arshdeep

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Parminder Singh Sekhon, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is second petition that has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.88, Section 13.09.2022, under Sections 22 and 29 of NDPS Act, 1985, registered at Police Station Ghall Khurd, District Ferozepur.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated, on the allegations that 2500 tablets of tramadol were recovered from the leg space of a vehicle in which he was allegedly travelling. It is submitted that the petitioner has no criminal antecedents and that this is a case of false recovery.

Learned counsel further submits that the petitioner was arrested on 13.09.2022, challan was presented on 13.03.2023, and charges were framed on 01.04.2023, however, the trial has yet to conclude, as the

prosecution evidence is still underway. It is further argued that the petitioner has been in custody for more than 02 years and 05 months and that, given the slow progress of the trial, where only 11 witnesses have been examined so far, his further incarceration would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has submitted, on instructions, that the petitioner was apprehended based on specific and credible secret information wherein he was named. It is further submitted that the prosecution evidence is nearing completion, as only 04 out of the 15 cited witnesses remain to be examined. Learned State counsel also contends that since all the remaining witnesses are formal witnesses, the trial is likely to conclude expeditiously. Additionally, it is argued that the recovery in question falls within the category of “commercial quantity” under the NDPS Act, and it is improbable that such a large quantity of contraband would be falsely planted on the petitioner.

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

The quantity of contraband allegedly recovered from the petitioner is substantial and falls under the category of “commercial quantity” as per the NDPS Act. Furthermore, it is not the case of the petitioner that the trial has come to a standstill post-framing of charges. Rather, the record indicates that the prosecution evidence is progressing with the majority of witnesses already examined.

In the light of the above, no ground is made out for the grant of bail to the petitioner. Accordingly, the present petition is dismissed.

However, the trial Court is directed to make all possible efforts to expedite the trial and conclude the proceedings at the earliest, preferably within a period of 03 months.

It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 07, 2025
sanjeev

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