



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

224

CRM-M-57368-2024 (O&M)
Date of decision: February 17th, 2025

Avtar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vikramjit Singh, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General,
Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.18 dated 16.02.2023 under Section 21 of the NDPS Act registered at Police Station Bhargo Camp, District Jalandhar.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case for having been found in possession of 500 grams of heroin. Learned counsel contends that the petitioner's innocence is evident from the fact that he has no previous involvement in any case under the NDPS Act. It has been further submitted that even though charges were framed way back on 22.08.2023, however, till date the trial has not concluded with seven prosecution witnesses still remaining to be examined. A prayer has, therefore, been made for enlarging the petitioner on bail.

3. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. Learned State counsel has placed on record the custody certificate of the petitioner and has submitted that a perusal of the custody certificate of the petitioner reveals that he is a man of criminal antecedents; he is involved in a number of cases even under the NDPS Act, for which he is being taken on production warrants to different Courts, and that is one of the reasons why the trial in the present FIR has not yet concluded. Learned State counsel has further submitted that it is also apparent that the petitioner has misused the concession of bail granted to him in the other criminal case, in which he had been enlarged on bail by being yet again involved in a case under the NDPS Act. Learned counsel has submitted that the petitioner although was nabbed on suspicion, however, all the mandatory provisions of the NDPS Act were duly complied with leading to a huge recovery of 500 grams of heroin. Learned State counsel has submitted that four prosecution witnesses out of the 11 stand examined and in case the petitioner is enlarged on bail at this stage, he could either evade proceedings before the trial Court and yet again be involved in some other criminal case.

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

5. The petitioner *prima facie* comes across as a habitual offender. The recovery made from the petitioner i.e. 500 grams of

heroin is huge and stands classified as commercial under the NDPS Act. This Court in the above given facts and circumstances is, therefore, not inclined to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition stands dismissed.
7. 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.

February 17th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No