



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

236

CRM-M-60137-2024

Date of decision: July 14th, 2025

Rahul Pandey

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Fariad Singh Virk, 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.104 dated 24.07.2023 under Section 21 of The NDPS Act, 1985 and Section 411 of the IPC registered at Police Station Civil Lines, Patiala.

2. Learned counsel for the petitioner submits that the petitioner is a victim of false implication and has been languishing in custody since 24.07.2023. It has been contended that the petitioner was nabbed on suspicion on 24.07.2023 by the police and a recovery of 1460 capsules of Tramadol was then falsely shown to have been effected from the petitioner and co-accused, who were going together on a motorcycle at the relevant time. Learned counsel has contended that after the petitioner was arrested at the spot, challan was presented on 02.12.2023 followed by framing of charges on 13.12.2023, however, till date the trial had not concluded as only five prosecution witnesses out of the 16 cited had been examined. A prayer has, therefore, been made in the circumstances to extend the

concession of bail to the petitioner as the possibility of the trial concluding in the near future does not arise; the trial has been prolonged on account of the persistent irregular appearances of the prosecution witnesses, which in the present case are all police officials.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed the custody period of the petitioner nor has he, on instructions from ASI Buta Singh, disputed that 11 prosecution witnesses still remain to be examined. However, learned State counsel has placed on record the custody certificate of the petitioner and submitted that a perusal of the custody certificate clearly reveals that the petitioner is a habitual offender and a man of criminal antecedents. He is facing trial in multiple criminal cases, which were registered prior to the registration of the instant FIR; the petitioner was on bail when he was apprehended in the present case leading to a huge recovery of contraband. It has been asserted by the learned State counsel that the delay in the trial cannot be solely attributed to the non-appearance of the prosecution witnesses as it is also a matter of record that the petitioner is facing trial in a number of other criminal cases and that could possibly be one of the reasons for the delay in the conclusion of the trial. It has also been submitted by the learned State counsel that the motorcycle, which was being driven by the co-accused, was a stolen one as a result of which offence under Section 411 of the IPC also stands registered against him. A prayer has been made by the learned State counsel for dismissal of the instant petition as there is a genuine apprehension that the petitioner could yet again misuse the concession of bail and be involved in some other crime.

4. I have heard learned counsel for the parties and perused the

relevant material on record.

5. *Prima facie*, the petitioner comes across as a habitual offender. The petitioner is facing trial in multiple criminal cases. The next date fixed before the trial Court is 16.07.2025 when some more prosecution witnesses out of the 11 remaining are likely to be examined. This Court, therefore, does not deem it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition stands dismissed.

7. At this stage, a prayer has been made by learned counsel for the petitioner that the trial Court be directed to expedite the trial keeping in view the long custody period of the petitioner.

8. The learned trial Court is directed to make earnest efforts to expedite the trial and conclude at the earliest.

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.

July 14th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No