

2025:PHHC:057518



215.

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

CRM-M-22363-2025

Date of decision: 02.05.2025

Amandeep Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Gurpreet Kaur, Advocate, for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. This is second petition that has been filed under Section 483 of BNSS, for grant of regular bail to the petitioner in case FIR No.244, dated 22.10.2023, under Section 21 of NDPS Act, 1985, registered at Police Station Jamalpur, District Ludhiana.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 22.10.2023 after he and the co-accused were allegedly found in possession of 260 grams of heroin while they were travelling together in a car. It has been submitted that even though challan was presented way back on 20.12.2023 and the charges framed thereafter on 21.08.2024, however, till date, the prosecution witness had not yet commenced. Hence, the possibility of the trial concluding the near future

did not arise. A prayer has, therefore, been made for extending the concession of bail to the petitioner.

3. *Per contra*, learned State counsel, while vehemently opposing the prayer and submissions made by the counsel opposite, on instructions from Inspector Kulbeer Singh, has not disputed the custody period of the petitioner. However, it has been submitted that this is second time when the petitioner has yet again approached this Court for the concession of regular bail. There has been no material change in circumstances after the previous petition was withdrawn by the learned counsel for the petitioner after arguing for some time. It has also been submitted that the prosecution evidence has already commenced and 01 prosecution witness has since been examined. While drawing the attention of this Court to the zimni orders of the Trial Court, learned State counsel has, on further instructions, submitted that it is on one date of hearing, the Presiding Officer was on leave, whereas on the remaining dates of hearing, it was on the request of the defence counsel, the case was adjourned after partly examining the prosecution witnesses and hence, the delay, if any, in the conclusion of the trial cannot be attributed to the prosecution but to the defence itself. It has also been brought to the notice of this Court that the petitioner does not have clean antecedents as it is a matter of record that the petitioner is facing trial in yet another case under the NDPS Act and when he was apprehended in the present case, he was already on bail in the previously filed case against him under the NDPS Act, which leaves no manner of doubt that the

petitioner was a habitual offender and had misused the liberty which had been granted to him in the other case registered under the NDPS Act. Furthermore, it has been submitted, on instructions, that the recovery of 260 grams of heroin has been classified as 'commercial' under the NDPS Act and it had been placed on the dashboard of the car in which the petitioner along with his co-accused were travelling and hence, it is discernible that both the petitioner and the co-accused were in conscious possession of the same; the recovery was effected after due compliance of all the mandatory provisions of the NDPS Act.

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

5. The alleged recovery of heroin has been classified as 'commercial' under the NDPS Act. The trial has been proceeding at a reasonably good pace and the delay if any is attributable to the adjournments sought by the defence counsel, as has been submitted by the learned State counsel, on instructions.

6. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner, more so when it is a matter of record that he had already misused the concession of bail which was granted to him in a case which was already pending under the NDPS Act against the petitioner when he was yet again booked in the present case.

7. Present petition stands dismissed accordingly.

8. 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.

**(MANJARI NEHRU KAUL)
JUDGE**

May 02, 2025
sanjeev

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No