



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

1. CRM-M No.20058 of 2024

Tarun Kumar @ Tarun

... Petitioner

Versus

State of Punjab

... Respondent

2. CRM-M No.47667 of 2024

Prince Kumar @ Prince

... Petitioner

Versus

State of Punjab

... Respondent

Date of decision: 9th January, 2025

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ashok Giri, Advocate for the petitioners.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners in both the petitions detailed hereinabove are seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.370 dated 23.12.2022 under Sections 21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Rama Mandi, District Jalandhar. Since both these petitions have arisen out of the same FIR, they are being taken up together for disposal by way of this common order. This is second petition of petitioner Tarun

Kumar @ Tarun while fourth petition filed by petitioner Prince Kumar @ Prince.

2. At the outset, a pointed query has been put to the learned counsel for the petitioners as to what was the material change in circumstances which would warrant acceptance of the instant petitions since it was second and fourth time respectively that the petitioners have approached this Court seeking regular bail. It has been contended by the learned counsel that previous petition of petitioner Tarun Kumar @ Tarun was dismissed on merits vide order dated 11.10.2023, however, thereafter, the trial had been progressing at a slow pace, since as on date, only 7 prosecution witnesses had been examined which left no manner of doubt that the trial would still take considerable time to conclude as 6 prosecution witnesses still remained to be examined. It has also been urged by the learned counsel that the petitioners' false implication in the present case is evident from the fact that they have no previous criminal antecedents.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Narender Singh, has not been able to dispute that the petitioners have been in custody since 23.12.2022 and 22.11.2022 respectively. On further instructions, learned State counsel has also not disputed that the recording of prosecution evidence is still underway. However, it has been contended by the learned State counsel that all the material witnesses out of the 15 cited by the prosecution stand examined and only 6 formal witnesses remain to be examined and in all likelihood they would be examined on the next date of hearing fixed before the trial Court i.e. 18.01.2025. It has also been contended by the learned State

counsel, on instructions, that a huge recovery of Heroin i.e. 400 grams was affected from the petitioners while they were travelling in a car; the alleged recovery was affected after due compliance of all the mandatory provisions of the Act, which left no manner of doubt that the petitioners had not been falsely implicated as was being urged by the learned counsel for the petitioners.

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

5. Apparently, the trial is nearing conclusion as only 6 prosecution witnesses remain to be examined. The recovery allegedly affected from the petitioners has been classified as commercial under the Act. In the facts and circumstances as enumerated hereinabove and the stage of trial, this Court does not deem it fit to extend the concession of bail to the petitioners. Both the petitions as such are dismissed. 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.

6. However, keeping in view the long incarceration of the petitioners, the trial Court is directed to make earnest efforts to expedite the trial and conclude it at the earliest, preferably within next three months. It would be expected of both the prosecution as well as defence to cooperate in the expeditious conclusion of the trial.

(MANJARI NEHRU KAUL)
JUDGE

January 9, 2025

rps

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