

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1579 of 2016

Date of Decision:-24.2.2016.

Maninder Singh @ Bittu Aulakh

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Sandeep Wadhawan, Advocate for the petitioner.

Ms. Reeta Kohli, Additional A.G. Punjab with
Mr. Hanspal Virk, AAG, Punjab.

Ms. Ranjana Shahi, Advocate for the
Enforcement Directorate.

SURYA KANT, J. (ORAL)

1.) The petitioner seeks his release on regular bail in the case FIR No.56 dated 15.5.2013 under Sections 379, 411, 473, 468, 471, 120-B IPC, Sections 21, 22, 25, 25-A, 27, 29, 61, 85 of the NDPS Act and Sections 25, 54, 59 of the Arms Act registered at Police Station Banur, District Patiala.

2.) Previously, the petitioner had filed CRM-M-10484 of 2015 and CRM-M-10553 of 2015 for the grant of bail to him in the cases (i)

FIR No.109 dated 24.12.2013 under Sections 21, 27, 29, 85 of the NDPS Act registered at Police Station Lambra, District Jalandhar and (ii) FIR No.56 dated 15.5.2016 under Sections 379, 411, 473, 468, 471, 120-B IPC, Sections 21, 22, 25, 25-A, 27, 29, 61, 85 of the NDPS Act and Sections 25, 54, 59 of the Arms Act registered at Police Station Banur, District Patiala.

3.) The above stated both the petitions were decided together vide a detailed order dated 7.10.2015 (P-6). While the petitioner was granted bail in FIR No.109 dated 24.12.2013 for the reason that no recovery of any contraband was effected from him in that case, his bail application in the instant FIR i.e. FIR No.56 dated 15.5.2013 was disposed of in the following terms:-

“As per the prosecution version, contrabands/synthetic drugs were recovered from the petitioner’s conscious possession at the time of his arrest as well as subsequently on his disclosure statements. The allegations are of petitioner’s direct links with those who are branded as drug lords. He himself is an influential person, capable enough to influence or browbeat the independent witness. Equally true is that the judicial detention cannot be used as a punitive measure even if the petitioner is not found guilty of any offence. Since the investigation is complete and charges have been framed, we direct the prosecution to produce their purported independent witness as the first Prosecution Witness in this case. No sooner, the statement of that witness would be recorded, the petitioner may seek his release on bail and the Special

Court is directed to consider such prayer keeping in view the changed circumstances and uninfluenced of the previous orders passed by it or by this Court.”

4.) It is an admitted fact that the solitary independent prosecution witness has since been examined; the petitioner is in custody since 14.11.2013; there are more than 80 prosecution witnesses who are yet to be examined, hence, the conclusion of trial will take considerable long period. In the peculiar fact situation, the rigors of Section 37 of the Act can be well dispensed with at this stage.

5.) Keeping in view the totality of the circumstances but without expressing any views on merits, we allow this petition and direct that the petitioner be released on bail subject to his furnishing bail/surety bonds to the entire satisfaction of the CJM/Duty Magistrate concerned.

**(SURYA KANT)
JUDGE**

**(P.B. BAJANTHRI)
JUDGE**

February 24, 2016.

sandeep sethi