

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

**CRM-M No.29546 of 2019
Decided on: 11.12.2019**

Manmeet Singh @ Ladi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ashok Kumar Khubbar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.03 dated 26.02.2018 under Sections 21, 29 of the of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') (Section 27-A of the NDPS Act added subsequently on 25.04.2018) registered at Police Station S.S.O.C. Amritsar, District Amritsar.

The 1st petition seeking regular bail to the petitioner was dismissed as withdrawn on 12.04.2019 with liberty to the petitioner to file afresh petition with better particulars.

Counsel for the petitioner has submitted that he has filed this 2nd petition, after recording the statement of the Investigating Officer, PW1 – Vikrant Sharma.

On 14.10.2019, the following order was passed by this Court:-

“Counsel for the petitioner has submitted that

except for recovery of some amount for which the petitioner reserve his right of defence evidence to account for, there is no evidence that the petitioner was ever involved in the money laundering for narcotic business. Counsel for the petitioner has relied upon the statement PW1 – Vikrant Sharma, who has stated that he has not conducted any investigation qua petitioner Manmeet Singh @ Ladi and he was only conducting investigation qua the co-accused Hardeep.

A perusal of the affidavit dated 29.07.2019 filed by the Deputy Superintendent of Police, State Special Operation Cell (SSOC), Amritsar is silent about the involvement of the petitioner in any previous case or the evidence collected against the petitioner, so far.

In para 2 of this affidavit, it is stated that the petitioner was arrested and the recovery of unaccounted cash of Rs.39.30 lacs was recovered.

List again on 23.10.2019.

In the meantime, the Deputy Superintendent of Police, State Special Operation Cell (SSOC), Amritsar is directed to file afresh affidavit and shall also remain present before this Court on the next date of hearing to explain the evidence which has come against the petitioner.”

Counsel for the State has filed the affidavit of the Deputy Superintendent of Police, S.S.O.C., Amritsar today in the Court, which is taken on record and as per the affidavit, the FIR was registered on the basis of some secret information followed by the police party proceeding at the spot where 02 suspected vehicles were found parked near a petrol pump and one of them Amandeep Singh fled away from the spot by throwing a bag and the petitioner was apprehended in the second car.

It is further stated in the affidavit that from the recovery of the car Rs.39.30 lacs was recovered and it was found during the investigation that the petitioner was working for one Harpreet Singh @ Chintu (since deceased) and Manbir Singh for the purpose of bringing the drugs from abroad. It is further stated in the affidavit that the petitioner was nominated as he could not produce any valid documents to justify the cash in his possession and in this regard, an information was given to the Directorate of Enforcement, Punjab. It is also stated in the affidavit that the co-accused Manbir Singh and Amandeep Singh were subsequently arrested and the car and one mobile phone was recovered from them. It is further stated that subsequently, supplementary challan was presented against them.

Counsel for the petitioner has argued that neither from the petitioner nor from the co-accused any drug was recovered and therefore, it will be a debatable issue to be decided during the course of trial as to whether the charge under Sections 21, 29 and 27-A of the NDPS Act is proved against the petitioner or not. It is further argued that the petitioner no criminal background and he is not involved in any other case under the NDPS Act.

Counsel for the petitioner has also submitted that even the co-accused namely Harpreet Singh @ Chintu has already been granted the concession of bail vide order dated 01.10.2019 passed in CRM-M No.29738 of 2018.

Counsel for the State, on the basis of affidavit and on instructions from ASI Harbhej Singh has not disputed the fact that in the statement of PW1 – Vikrant Sharma, it has come that he has not

conducted any investigation upon Manmeet Singh @ Ladi and he has conducted investigation only against the co-accused Harpreet Singh @ Chintu. It is further argued that out of 25 prosecution witnesses, only 04 PWs have been examined so far.

Without commenting anything on merits of the case, considering the allegations in the FIR and in view of the fact that the petitioner is in custody since 26.02.2018; charges have been framed on 24.05.2018 and till date, only 04 PWs have been examined; the petitioner is not involved in any other case and one of the co-accused of the petitioner has already been granted the concession of regular bail, this petition is allowed and the petitioner is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

11.12.2019

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(ARVIND SINGH SANGWAN)
JUDGE

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