

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

212

CRM-M-25061-2020

Date of decision: 04.09.2020

Manpreet Singh @ Hally

.....Petitioner

versus

State of Punjab

....Respondent

**CORAM: Hon'ble Mr. Justice Girish Agnihotri**

Present: Mr. P.S. Sekhon, Advocate,  
for the petitioner.

Mr. Sukhbeer Singh, Asstt. A.G., Punjab.

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**GIRISH AGNIHOTRI, J. (Oral)**

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Manpreet Singh @ Hally, stated to be aged 28 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.104 dated 16.08.2019 under Sections 22 and 29 of NDPS Act, 1985, registered at Police Station Longowal, District Sangrur.

Learned counsel for the petitioner submits that a perusal of the FIR would show that it was allegedly based on Secret information. In fact, it is the petitioner's case that the recovery was not from the conscious possession of the petitioner as there were irregularities conducted in the search. He has also referred to orders dated 15.7.2019 and 10.09.2019, passed by this Court and order dated 16.11.2019 passed by the trial Court, wherein ASI Kewal Krishan, who was the second Investigating Officer in the present case, was named to be

registering false case on NDPS. It has been noticed in the order dated 10.09.2019 that departmental enquiry has also been ordered against the officials i.e. ASI Kewal Krishan and HC Harjinder Singh.

Learned State counsel, on instructions from ASI Jagsir Singh, submits that the recovery is commercial quantity. He submits that prior to this, petitioner was also found involved in one more FIR and on 06.09.2019 i.e. while the petitioner was in custody in the present case, another FIR has been registered against him. He further submits that challan was presented on 07.02.2020. There are total of 25 witnesses but none has been examined till date. Next date before the trial Court is 23.09.2020.

Faced with the situation, learned counsel for the petitioner submits that the petitioner is in custody for more than one year. He further submits that he has instructions to submit on behalf of the petitioner that he is ready to deposit the property papers of immovable property, worth Rs.5 lacs as security (in his own name or name of his family members) with an undertaking that in case, the petitioner is found involved and guilty in any other FIR, after September 2019, the aforementioned amount can be forfeited and the same be deposited in the Government Treasury.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID and the fact that trial is likely to take time, this Court deems it appropriate to release the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

In addition to the bail/surety bonds, the petitioner would deposit

the property papers of immovable property worth Rs.5 lacs (in his own name or name of his family members) with the Trial Court/Duty Magistrate concerned, as offered by learned counsel for the petitioner. It is also made clear that, in case, the petitioner is subsequently found involved and guilty in any other case, the aforementioned amount can be forfeited and the same be deposited in the Government Treasury. The same shall be without prejudice to defence of the petitioner before the trial Court.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)  
JUDGE

04.09.2020  
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|-----------------------------|--------|
| Whether speaking/ reasoned: | Yes/No |
| Whether Reportable:         | Yes/No |