

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

ASHOK KUMAR
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CRM-M-11099-2021 (O&M)

Date of decision: 27.07.2021

MANPREET SINGH @ MANNA

..Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Yashpal Thakur, Advocate for the petitioner.
Mr. Saurav Khurana, DAG, Punjab.

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

This is the sixth petition for grant of bail, pending trial, in a criminal case arising from FIR No.38 dated 07.08.2018, registered under Section 21 of the NDPS Act, 1985, and Section 25 of the Arms Act, 1959, at Police Station STF, Phase-4, S.A.S. Nagar, Mohali.

The previous petition i.e. application No.5 was dismissed on 28.10.2020 with the following order:-

This is fifth petition for grant of regular bail to the petitioner pending trial in a criminal case arising from FIR No. 8 dated 07.08.2018, registered under Section 21 of Narcotic Drugs & Psychotropic Substances Act, 1985 (hereinafter referred to as "the 1985 Act") and Section 25 of the Arms Act, 1959, at Police Station STF, Phase-4, S.A.S. Nagar, Mohali.

As per the case of the prosecution, 290 grams of heroin was recovered from various accused. On 11.09.2020, when the Deputy Advocate General, Punjab made a statement on the

basis of an affidavit that the petitioner stands convicted in two cases under the 1985 Act, Learned counsel appearing for the petitioner stated that the petitioner has been acquitted and never convicted. He sought time to justify the stand taken, hence, the case was adjourned.

Today, learned counsel for the petitioner has admitted that his statement on 11.09.2020 was factually incorrect and the petitioner has been convicted under NDPS Act 1985 in two criminal cases i.e. FIR No. 96 dated 25.08.2002 and FIR No. 96 dated 20.08.2011.

Learned counsel for the State has further pointed out that the petitioner is a habitual offender involved in eight cases including the present one. He has further pointed out that the prosecution has already recorded the deposition of 18 witnesses, out of 22 witnesses proposed to be examined.

Keeping in view the advance stage of the trial of the case, no ground to grant the concession of regular bail is made out. Hence, the present petition is dismissed. Learned counsel for the petitioner has been requested to remain careful in future.

The learned counsel representing the petitioner contends that even after lapse of a period of 8 months, the prosecution has failed to conclude its evidence.

During this period, the Courts were working in a restricted functioning mode due to the spread of Covid-19 pandemic.

The petitioner already stands convicted in two different cases under the NDPS Act, 1985. In this case, the total recovery is 290 grams heroin which falls in commercial category.

Therefore, no ground to grant bail is made out. Hence,

dismissed. However, the learned Trial Court is requested to make sincere

endeavours for expeditious conclusion of the trial.

All the pending miscellaneous applications, if any, are also

disposed of.

27.07.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE