

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

(Through video conferencing)

**CRM No.22111 of 2021 in/and
CRM-M No.21845 of 2021
Date of Decision: 26.08.2021**

Manminderjit Singh @ Mannu

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Abhinav Gupta, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.

CRM No.22111 of 2021

For the reasons mentioned in the application, the same is allowed. Accompanying documents are taken on record, subject to all just exceptions.

CRM-M No.21845 of 2021

[1]. Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.35 dated 12.02.2021, registered under Section 22 and Section 29 (added later on) of NDPS Act at P.S. Civil Lines, District Patiala.

[2]. Prosecution story started with the allegations that on 11.02.2021 at about 8.50 P.M., when police patrolling party was checking the vehicles, they stopped one Maruti Swift car without number which came from the side of Nabha. The vehicle was signalled with torch to stop. The driver stopped the car and on being asked to show the documents, he opened the dashboard of the car and took out black colour bag containing the documents. The zip of the bag was not working, therefore, a white colour plastic envelope came out and fell down through the middle of thighs of driver. When ASI asked the driver about the plastic envelope, he became nervous and told that narcotic tablets are present. On being asked, the driver told his name as Manminderjit Singh @ Mannu. ASI informed the police station to send Investigation Officer for further investigation in the case. The FIR came to be registered on 12.02.2021 at 00.35 hours.

[3]. Learned counsel for the petitioner submitted that the petitioner is in the business of sale and purchase of used cars in Patiala for the last three years. In the end of the year, 2019, he came into contact with a lady namely Sarabjit Kaur wife of Jagsir Singh and they entered into a relationship. Husband of Sarabjit Kaur came to know about this relationship in January 2021 and he moved a complaint to the Police i.e. Police Post Mavi Kalan, Tehsil Samana, District Patiala. The matter was ultimately

patched up before the Panchayat.

[4]. Learned counsel further submitted that on 11.02.2021, petitioner had returned from the house of his in-laws and parked his car at Diamond Car Wash for washing of the car. The said Washing Centre is situated at the back side of his house. At about 3.00 P.M., petitioner made a whatsapp call to his wife Charanjit Kaur in USA. In the meanwhile, police party-cum-CIA Staff along with one Goggi (informer) came to house of the petitioner and made forcible entry. They took the petitioner from his room and also took away DVR and laptop from the house of the petitioner. The incident was witnessed by Gurjit Singh Prashar neighbour of the petitioner, who has given an affidavit in this regard on 20.05.2021.

[5]. Learned counsel further submitted that the car of the petitioner was forcibly taken away from the Washing Centre at 3.00 P.M. The worker at the Diamond Car Wash tried to inform the petitioner, but his mobile phone was found to be switched off. Proprietor of the Washing Centre namely Arun Dutt has also executed an affidavit dated 13.05.2021 in this regard. He also informed father of the petitioner that car of the petitioner has been forcibly taken away by the Police. Father of the petitioner went to the nearest police beat box where police officials asked him to wait for 24 hours and if his son does not return, then they

will register a DDR. At about 11.30 P.M., parents of the petitioner received a call from CIA Staff that their son has been arrested in NDPS case. On 14.02.2021, parents of the petitioner were called by one police official namely Jagroop Singh and he asked them to collect DVR and laptop of the petitioner from his house. Upon checking, the parents of the petitioner found that the data from DVR and laptop has been deleted by the police officials. The entire occurrence dated 11.02.2021 was clearly recorded in CCTV installed at the house of the petitioner. On 16.02.2021, the parents of the petitioner came to know from newspaper that the petitioner has been implicated in the present FIR by concocting a false story. Sarabjit Kaur has also been arrayed as a co-accused on the alleged disclosure statement of the petitioner.

[6]. Learned counsel for the petitioner further submitted that the contraband was allegedly recovered on 11.02.2021 at 8.30 P.M. The samples were sent to FSL for chemical examination only on 15.02.2021 and the same was in utter disregard to the instructions/notification No.1/88 issued by the Narcotics Control Bureau. According to the aforesaid instructions, the samples are required to be sent to the FSL within 72 hours. Learned counsel relied upon the view expressed in **Union of India vs. Bal Mukund and others, 2009(2) R.C.R. (Criminal) 574** and **CRA-**

S No.1449-SB of 2008 titled **'Satpal vs. State of Haryana'**

decided on 06.08.2012 for the purposes of grant of regular bail to the petitioner. Co-accused Sarabjit Kaur has been granted regular bail by this Court vide order dated 21.05.2021 passed in CRM-M No.18714 of 2021.

[7]. Learned State counsel however opposed the bail on the ground that challan has been presented and FSL report has also been received. The delay, if any in sending the samples for chemical analysis would be gone into by the trial Court in accordance with law. The recovery is commercial in nature.

[8]. I have considered the submissions made by learned counsel for the parties.

[9]. At this stage, without forming any opinion on merits of the case, *prima facie* consideration can be given to the prosecution case. According to learned counsel for the petitioner, when zip of the bag was not found working, then how the plastic envelope of white colour came out from the black colour bag containing the documents. The alleged recovery was made on 11.02.2021 at 8.50 P.M., but still the FIR was registered on 12.02.2021 at 00.35 hours. The affidavits given by the proprietor of Diamond Car Washing and neighbour of the petitioner would be the defence documents and the petitioner may rely upon them in accordance with law in his defence

evidence.

[10]. At this stage, no final opinion can be made on the prosecution story as well as the defence taken by the petitioner on the basis of these documents, but keeping in view the delay in sending the samples for chemical analysis, I find that stringent provisions of the NDPS Act have been violated. For the purpose of bail, the precedents cited on the subject can be relied.

[11]. Looking to the aforesaid facts and circumstances, I deem it appropriate to enlarge the petitioner on regular bail without advertting anything on merits of the case.

[12]. In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

[13]. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

August 26, 2021

Atik

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No