

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-40376-2021 (O&M)

Date of Decision:- 24.11.2021

Manpreet Singh @ Sona

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rishu Mahajan, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Jasvir Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case registered vide FIR No.96, dated 3.4.2016, Police Station A Division, District Amritsar, under Section 21/22 of NDPS Act.
2. The allegations, in nutshell are that on 3.4.2016 when the police party was patrolling near Bus Stand, Mudhal (District Amritsar), two persons were seen coming on a motorcycle who upon noticing the police party tried to turn back but in the said process their motorcycle stopped. The said persons were apprehended. While the driver of the motorcycle disclosed his name as Manpreet, the pillion rider

disclosed his name as Gurpreet. Upon their search Manpreet (petitioner) was found in possession of 300 grams of 'Diphenoxylate' powder, the pillion rider Gurpreet was found in possession of 500 grams of 'Diphenoxylate' powder.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case. It has further been submitted that the petitioner has been behind bars since the last about 3 years and that the trial is proceeding at snail's pace and as such he deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that apart from the fact that the recovery effected from the petitioner would fall in the category of 'commercial quantity', the total quantity recovered from the petitioner as well as the co-accused works out to 800 grams which is a huge quantity given the fact that the 'commercial quantity' has been quantified as 50 grams. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 3 years and happens to be involved in one more case registered under Section 304 IPC. It has also been informed that as on date only 1 out of the cited 14 PWs has been examined.
5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that specific allegation has been levelled in the FIR as regards the petitioner having been caught red-handed while in possession of a 'commercial quantity' of contraband. However, this Court cannot lose sight of the fact that the petitioner has been behind bars for a substantial period of about 3 years and conclusion of trial is

likely to take some time as till date only 1 out of the cited 14 PWs has been examined. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

24.11.2021
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No