

214/2 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8044-2023

Date of Decision: 15.03.2023

MANPREET SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. B.S.Sra, Advocate
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in the case bearing FIR No. 282 dated 06.11.2022 under Section 21 of the NDPS Act (Section 29 of the NDPS Act added later on) registered at Police Station Guruharsahai, District Ferozepur.

Custody certificate has been placed on record.

Learned counsel for the petitioner contends that as per the allegations in pursuance of secret information, on 06.11.2022, Paramjit Kaur, co-accused, alongwith Raj Singh were apprehended while they were travelling in a car. 07 grams of heroin was recovered from Paramjit Kaur, 20 grams of heroin was recovered from Raj Singh and a sum of Rs.1,25,000/- was recovered from the car. Subsequently, during the course of investigation, in pursuance of the disclosure statement of Raj Singh, 150 grams of heroin alongwith 03 mobile phones were recovered. The name of the petitioner has not been mentioned in the FIR and has been nominated on the basis of disclosure statement of Raj Singh, co-accused. No recovery has been effected from the petitioner. As per the disclosure statement of Raj Singh, the petitioner alongwith his father Harbans Singh were nominated as

accused. The arrest of Harbans Singh and Manpreet Singh was effected. However, Harbans Singh had died while he was in police custody. The petitioner is in custody for a period of 02 months and 03 days. Though he is involved in another case under the NDPS Act but is on bail in that case.

Learned State counsel has opposed the bail application on the score that investigation qua the petitioner is still pending and furthermore, as per disclosure statement of Raj Singh, co-accused, the petitioner alongwith his father were having relations with Pakistani smugglers and they have passed on the contraband to him.

However, on a query, learned State counsel has stated that no mobile phone to indicate the acquaintance of the petitioner with any Pakistani has been recovered.

In the instant case, no recovery has been effected from the petitioner. The custodial interrogation of the petitioner is over and he has been remanded to judicial custody. Conclusion of investigation qua him is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate/CJM concerned.

15.03.2023
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(VIVEK PURI)
JUDGE

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