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(217)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12808-2023

Date of Decision: 03.05.2023

MANPREET SINGH ALIAS MANI

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr.Pratham Sethi, Advocate
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.133 dated 29.10.2022 (Annexure P-1) registered under Section 22 NDPS Act, 1985 at Police Station Dirba, District Sangrur.

2. The brief facts of the case are that the instant FIR came to be registered on the statement of ASI Ravel Singh who stated that while he along with the police party was on patrolling duty, then at about 05.50 PM one car bearing No.DL9CM9586 make Baleno, Maruti Suzuki was seen coming. The vehicle was being driven by a short haired boy and another boy was sitting on the conductor side. The said vehicle was signalled to stop but the driver tried to turn the car back. The ignition of the vehicle got switched off. The boys were apprehended. The driver of the car disclosed his name as Manpreet Singh alias Mani (petitioner) and the person sitting along with him

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in the car disclosed his name as Satnam Singh @ Satta. The search of the back seat of the car revealed one white coloured heavy plastic bag which was lying open and was found to contain 220 bottles Chlorpheniramine Maleate and Codeine Phosphate Syrup make Maxcoff.

After registration of the FIR, the father of the petitioner namely, Sukhdev Singh filed a representation before the Director General of Police, Punjab for conducting an enquiry into the matter by a senior police officer claiming the innocence of the petitioner. The office of the Director General of Police, Punjab marked an enquiry to the office of the Senior Superintendent of Police, Sangrur who further marked the enquiry to the Deputy Superintendent of Police, Dirba. However, as the said DSP was a witness in the case, the S.P. (Headquarters), Sangrur conducted a detailed enquiry. Vide a report dated 31.01.2023 (Annexure P-3), he concluded that the petitioner had shifted to Canada in April, 2022 and had come back to India on 21/22.10.2022 to take his parents back to Canada along with him. He was a close friend of Satnam Singh @ Satta, co-accused and on the date of the incident he had gone along with Satnam Singh @ Satta believing that they were going to deliver some goods to sports persons. The petitioner had not been aware that the co-accused Satnam Singh @ Satta was going to procure narcotic substances from a co-accused Amit. As per the enquiry, it was also found that Satnam Singh @ Satta had transferred money into the account of Amit even prior to the petitioner coming back to India. Thus, the S.P. (Headquarters), Sangrur concluded that the petitioner was not aware of the activities of Satnam Singh @ Satta. Therefore, on the basis of the said

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inquiry, an application under Section 169 Cr.P.C. had been moved for the discharge of the petitioner. However, the said application had been dismissed by the Trial Court vide order dated 07.02.2023.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The Investigating Agency has clearly found that the petitioner was not a party to the alleged commission of the offence. He was simply a friend of the main accused Satnam Singh @ Satta. Even though, the discharge application had not been accepted, in view of the doubt created in the case of the prosecution, the petitioner was entitled to the grant of bail, moreso, when he was a first-time offender, in custody since 29.10.2022 and no prosecution witness had been examined so far.

4. A short reply dated 03.05.2023 by way of an affidavit of Prithvi Singh Chahal, PPS, Deputy Superintendent of Police, Sub Division Dirba, District Sangrur has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. The learned State counsel while not disputing the facts as narrated above contends that as the discharge application stood dismissed, the petitioner was not entitled to the grant of bail. He, however, does not dispute the fact that the petitioner is a first-time offender, in custody since 29.10.2022 and none of the prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. Admittedly, the Investigating Agency has found that the petitioner was innocent in the case and consequently moved an application

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for discharge which has not been accepted by the Trial Court. However, it is equally true that the petitioner is a first-time offender, in custody since 29.10.2022 and none of the prosecution witnesses have been examined so far. Therefore, at this stage, once the Investigating Agency has found him to be an innocent, a *prima facie* satisfaction under Section 37 of the NDPS Act can be recorded and while giving the benefit of doubt to the petitioner, he can be granted the concession of bail.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Manpreet Singh @ Mani son of Sukhdev Singh is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned subject to the deposit of his passport forthwith.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present one.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.3,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

03.05.2023

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No