

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

CRM-M No.18794 of 2022
Date of decision: 11th December, 2023

Manpreet Singh @ Mani

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Bhavish Aggarwal, Advocate for the petitioner.

Mr. Mohit Kapoor, Addl. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.40 dated 19.05.2021 under Section 21-C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 29, 25 of the NDPS Act added later on) registered at Police Station Sarai Amanat Khan, District Tarn Taran.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case in hand for allegedly being found in possession of 500 grams of Heroin, when he was apprehended on suspicion. Learned counsel submits that after the petitioner was arrested on 19.05.2021, challan was presented on 11.11.2021 and thereafter, charges framed on 29.08.2022, however, not

even a single prosecution witness out of the 14 cited had been examined and the case was being adjourned repeatedly by the trial Court on account of non-appearance of the prosecution witnesses. Learned counsel, thus, submits that in the facts and circumstances, the petitioner cannot be made to languish in custody for no fault of his, as his personal liberty was being compromised under Article 21 of the Constitution of India.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to controvert that none of the prosecution witnesses have been examined so far on account of their non-appearance, after charges were framed more than 1 year and 3 months back. He has submitted that the petitioner was involved in another case under the NDPS Act, however, during investigation he had been found innocent, for which the prosecution had moved an application for his discharge.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has now been in custody for 2 years and 7 months, having been arrested on 19.05.2021. The trial has come to a virtual stand still for reasons not attributable to the petitioner but due to non-appearance of the prosecution witnesses, who in the case at hand, are all official witnesses. The petitioner is not stated to be involved in any other case under the NDPS Act and even in the other case in which he had been nominated as an accused, he has been found innocent. In the

facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

6. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

December 11, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No