

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

CRM-M No.22570 of 2022 (O&M)
Date of decision: 23.01.2023

Manjinder Singh @ Money

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Virender Pratap Singh, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.107 dated 04.07.2019, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act (in short 'the NDPS Act') at Police Station Goindwal Sahib, District Tarn Taran.

The earlier one was dismissed as withdrawn.

Counsel for the petitioner has submitted that the new ground for filing this 2nd petition is that the petitioner is in long custody of about 03 years, 04 months and 18 days and out of 13 PWs, only 01 PW has been examined so far.

Counsel for the petitioner has submitted that as per the allegations in the FIR, the police party headed by ASI Sukhdev Singh along with co-police officials were on a petrolling duty, when two

clean-shaved persons were seen coming on a motorcycle. On seeing the vehicle of the police party, they tried to turn back but due to high speed of the motorcycle, it slipped and a young man threw a polythene bag by taking it out from the right side of the pocket of the pant. Later on, they were apprehended and the driver of the motorcycle disclosed his name as Varinder Singh @ Vinda and the petitioner disclosed his identity as Manjinder Singh @ Money. Thereafter, the police party recovered 260 gms of Heroin.

Counsel for the petitioner has further submitted that one of the co-accused of the petitioner namely Varinder Singh @ Vinda, has already been granted the concession of interim bail vide order dated 27.05.2021 passed in CRM-M No.19328 of 2021 and the interim order is continuing as per the directions of the trial Court.

Counsel for the petitioner has also contended that due to COVID-19 situation, the trial was delayed substantially, which is reflected from the fact that out of 13 PWs, only 01 PW has been examined so far despite the fact that the petitioner is in long custody of 03 years, 04 months and 18 days.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner is involved in one more FIR registered under the NDPS Act, in which he stands convicted and apart from that he is also involved in two more FIRs registered under the Indian Penal Code.

Without commenting anything on merits of the case, considering the fact that the petitioner is in long custody for the last 03

years, 04 months and 18 days; the co-accused of the petitioner is already released on interim bail; the custodial interrogation of the petitioner is not required; out of 13 PWs only 01 PW has been examined and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

23.01.2023
yakub

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