

**219 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRM-M-25678-2023****Date of decision: 25th May, 2023**

Manpreet Singh Patwari

...Petitioner

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Gaurav Singla, Advocate for
Mr. P.S. Ahluwalia, Advocate for the petitioner.
Mr. I.S. Mann, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. This second petition is filed under Section 439 Cr.P.C. seeking regular bail in case FIR No. 32, dated 28th February, 2021, under Sections 21, 25, 27 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered at Police Station STF Phase IV, Mohali, District SAS Nagar (Mohali). Earlier petition was dismissed as withdrawn on 1st February, 2022.

2. Learned counsel for the petitioner claims parity with co-accused Lalit Kumar @ Tippu @ Tinku who was granted regular bail by this court on 20th April, 2023 in CRM-M-3032-2022.

3. On 20th April, 2023, the following order was passed by this Court:-

1. These second petitions are filed under Section 439 Cr.P.C. seeking regular bail in case FIR No. 32, dated 28th February, 2021, under Sections 21, 25, 27 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered at Police Station STF Phase IV, Mohali, District SAS Nagar (Mohali). Earlier petitions were dismissed as withdrawn.

2. *The brief facts as set up are that on 28th February, 2021, two kilograms and seventeen grams of Heroin was recovered from Bhupinder Singh and Kamaljit Singh. At their instance two accused Manpreet Singh and Rajpal Singh were nominated under Section 29 of the Act. Manpreet Singh disclosed that Lalit Kumar @ Tippu @ Tinku (petitioner in CRM-M-3032-2022) gave two kilogram of Heroin to Rajvir Singh @ Pawan. Manpreet also disclosed that he and Manraj Singh @ Manmohit Singh (petitioner in CRM-M-50550-2022) had kept mobile in jail and they were in touch with Lalit Kumar @ Tippu @ Tinku and got supplied 10-12 kgs of Heroin to Rajvir Singh @ Pawan.*

3. *Dr. Anmol Rattan Singh Sidhu, Senior Advocate and Mr. P.S. Sekhon, Advocate appearing for the petitioners submit that no contraband was recovered from the petitioners. Lalit Kumar @ Tipu @ Tinku is in custody since 1st June, 2021 and Manraj Singh @ Manmohit Singh since 17th March, 2021. The petitioners were nominated on the basis of disclosure statement which has no evidentiary value. It is further submitted that trial is not progressing at a decent pace. It is argued that Manraj Singh @ Manmohit Singh is not involved in any other case under the Act.*

4. *Learned State counsel opposes the prayer for grant of bail and submits that recovery from the co-accused was of commercial quantity and petitioner-Lalit Kumar @ Tippu @ Tinku was indulging in sale of narcotics while in jail. On a pointed query from the Court, he fairly on instructions submits that no proceedings were initiated against any of the Jail Officials for the mobile phone recovered from Manraj Singh @ Manmohit Singh, albeit he was convicted under Section 52-A of the Prisons Act, 1894.*

5. *It is clarified that observations made hereinafter shall not be construed as an expression of opinion on the merits of the case.*

6. *The petitioners are in custody for more than two years, not even a single prosecution witness has been*

examined, there was no recovery from the petitioners, their name surfaced in a disclosure statement, having conspectus of the fact, no useful purpose would be served by depriving their personal liberty and conclusion of trial is likely to take time, the petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

- 7. *The petitions are allowed.*
- 8. *Since the main petitions are allowed, pending application, if any is rendered infructuous.*
- 9. *A photocopy of this order be placed on the file of connected case.”*

4. Learned counsel for the State though opposes the prayer for grant of bail but he is not in a position to distinguish the case of the petitioner qua the co-accused so far as grant of bail is concerned.

5. On the basis of parity of petitioner vis-a-vis co-accused so far as grant of bail is concerned and though the investigation is complete conclusion of trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

- 6. The petition is allowed.
- 7. However, it is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
- 8. Since the main case has been allowed, pending application, if any is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

25th May, 2023
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |