

CRM-M-31625 of 2023

2023:PHHC:142125

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

CRM-M-31625 of 2023

Date of decision: 07.11.2023

Manpreet Singh

.....Petitioner

versus

State of U.T., Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. D.S. Virk, Advocate,
for the petitioner.

Mr. Manish Bansal, APP, U.T., Chandigarh.

NAMIT KUMAR, J.

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.54 dated 29.01.2023 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sector 36, U.T., Chandigarh.

2. As per FIR, on 29.01.2023 ASI Rajesh Kumar along with police officials were on patrolling duty backside bus stand, Sector-43, Chandigarh. During patrolling at about 08:50 p.m. when they reached backside CTU workshop, Sector 43, Chandigarh, they saw a person on foot coming towards patrolling party. On seeing police party he turned back and started walking fast. On suspicion ASI Rajesh Kumar along with police party apprehended the suspected person. The suspected person tried to throw the polythene from his right pocket. ASI Rajesh Kumar hold him with

CRM-M-31625 of 2023

2023:PHHC:142125

the polythene. The polythene was opened and found contraband 55.15gms Heroin/Chitta in a white colour polythene pouch. The said person could not produce any license or permit for having the said contraband. On further asking he disclosed his name Manpreet Singh (present petitioner). The said contraband was found 55.15gms Heroin/Chitta. The contraband was sealed in a white cloth and sealed with the one seal of "RK" and prepared parcel. During the course of investigation petitioner-Manpreet Singh has been arrested.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in the present case as no recovery has been effected from the petitioner. He further submitted that alleged recovery falls under the category of 'non-commercial' quantity. Learned counsel further submitted that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 14 prosecution witnesses only one witness has been examined partly. He submitted that petitioner is in custody since 29.01.2023. He is not involved in any other case. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. *Per contra*, learned Additional Public Prosecutor, U.T., Chandigarh, while filing custody certificate has opposed the prayer for grant of regular bail to the petitioner. However, he has not disputed that alleged recovery falls under the category of 'non-commercial' quantity; investigation in the present case is complete; challan has been presented; charges have been framed; out of total 14 prosecution witnesses only one witness has been examined partly; petitioner is in custody for the last 09

CRM-M-31625 of 2023

2023:PHHC:142125

months and 09 days and he is not involved in any other case.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the custody of the petitioner, which is about 09 months and 09 days; investigation is complete; challan has been presented; charges have been framed; out of 14 witnesses, only one witness has been partly examined; petitioner is not involved in any other case and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

7. The petition stands disposed of accordingly.

07.11.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No