

CRM-M-46524-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46524-2022

Date of decision: 27.03.2023

Manbir Singh @ Manna

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vikas Gupta, Advocate,
for the petitioner.

Ms. Ishma Randhawa, Additional AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition (the first one having been dismissed as withdrawn on 27.01.2022), the petitioner seeks regular bail in case FIR No.136 dated 08.12.2020, registered at Police Station Harike, District Tarn Taran, under Sections 21 and 29 NDPS Act, Sections 307, 353, 332 and 186 IPC and Sections 25 and 27 Arms Act, 1959.

As per the case of prosecution, the petitioner alongwith co-accused, namely, Jugraj Singh was apprehended at the spot and recovery of 275 gram of heroin had been effected from the petitioner.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that though the extent of contraband allegedly recovered in the present case, falls under the commercial quantity, yet the fact remains that the petitioner has been in custody since 11.12.2020 and out of 20 prosecution witnesses, none has

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been examined so far. In such circumstances, conclusion of the trial would take a long time. Moreover, the petitioner is not involved in any other case, much less of a similar nature. Learned counsel further submits that co-accused, namely, Jugraj Singh and Gurjit Singh have since been granted the concession of regular bail by the Coordinate Bench. On this premise, learned counsel prays for the grant of bail to the petitioner. In support of his contentions, learned counsel relies upon the order dated 25.01.2023, delivered by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No(s).6690/2022, titled as 'Dheeraj Kumar Shukla Vs. State of Uttar Pradesh'.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the aforesaid extent of contraband recovered in the present case, falls under the commercial quantity and the case of the petitioner is hit by the bar contained under Section 37 NDPS Act. However, she does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 11.12.2020. Out of 20 prosecution witnesses, none has been examined so far. The conclusion of the trial will take a long time. There are no past criminal antecedents of the petitioner. All these facts persuade this Court to grant bail to the petitioner despite the rigors of Section 37 NDPS Act in the present case. Therefore, no useful purpose would be served by keeping the petitioner behind the bars. As stated above, the co-accused have since been granted the concession of bail.

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In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

27.03.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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