

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision: 20th April, 2023

1. CRM-M-3032-2022

Lalit Kumar @ Tippu @ Tinku

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-50550-2022

Manraj Singh @ Manmohit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Dr. Anmol Rattan Singh Sidhu, Senior Advocate with
Mr. Gagandeep Singh Simble, Advocate for the petitioner
(in CRM-M-50550-2022).
Mr. P.S. Sekhon, Advocate for the petitioner
(in CRM-M-3032-2022).

Mr. Iqbal Singh Mann, Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

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 Earlier petitions were dismissed as withdrawn.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

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.

[AVNEESH JHINGAN]
JUDGE

20th April, 2023
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No