



CRM-M-25233-2024

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**226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-25233-2024
Decided on : 10.12.2024

Maninder Singh @ Ganda

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.118 dated 21.07.2023 under Sections 21/25/29 of NDPS Act, 1985 registered at Police Station Kamboj District Amritsar Rural.

2. Learned counsel for the petitioner contends that the petitioner was not named in the secret information, which was allegedly received by the police qua the involvement of co-accused Harjinder Singh, Mewa Singh, Hira Singh and Ramandeep Singh. The petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Harjinder Singh @ Jagga, who claimed that it was the petitioner and him, who had been procuring the contraband and thereafter supplying it to



various persons. Learned counsel for the petitioner submits that said Harjinder Singh @ Jagga, who was nominated as an accused on the basis of a disclosure statement, had since been extended the concession of bail by this Court vide order dated 23.04.2024 (Annexure P-3). Learned counsel for the petitioner has still further asserted that after the petitioner was arrested, no recovery of any contraband much less heroin was affected from him, which lent credence to his false implication in the present case. Learned counsel has further submitted that since the investigation in the present case is complete as challan stands presented, his further incarceration would serve no useful purpose as none of the 28 prosecution witnesses have been examined till date.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner nor has the stage of trial been disputed by the learned State counsel. It has also not been disputed that no secret information was received qua the involvement of the petitioner in drug trafficking and neither was any recovery of any contraband affected from the petitioner pursuant to the disclosure statement allegedly suffered by co-accused Harjinder Singh @ Jagga, who too had been nominated as an accused on the basis of a disclosure statement. Learned counsel for the State has, however, emphasised that a recovery of 290 grams of heroin had been affected



from the co-accused, which has been classified as commercial under the Act.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 04.01.2024. The investigation qua the petitioner is complete, however, there is no possibility of the trial concluding in the near future as none of the 28 prosecution witnesses have been examined till date.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

10.12.2024
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(MANJARI NEHRU KAUL)
JUDGE

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