

CRM-M-25722-2024(O&M);
CRM-M-26640-2024 (O&M); -1-
CRM-M-26659-2024(O&M) and
CRM-M-27073-2024 (O&M)

2024:PHHC:118149



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25722-2024(O&M)
Date of Decision: 09.09.2024

(I)
Manjit Singh @ Manna

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM-M-26640-2024 (O&M)

(II)
Vishal @ Vishu

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM-M-26659-2024(O&M)

(III)
Ravej Singh Dhillon

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM-M-27073-2024 (O&M)

(IV)
Gurdeep Singh

....Petitioner(s)

Versus

State of Punjab

CRM-M-25722-2024(O&M);
CRM-M-26640-2024 (O&M); -2-
CRM-M-26659-2024(O&M) and
CRM-M-27073-2024 (O&M)

2024:PHHC:118149



.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Lalit Pathak, Advocate,
for the petitioner in CRM-M-25722-2024.

Mr. Ishmeet Singh, Advocate for
Mr. Sherry K. Singla, Advocate,
for the petitioner in CRM-M-26640-2024.

Mr. A.S. Kakkar, Advocate,
for the petitioner in CRM-M-26659-2024.

Mr. Vipul Jindal, Advocate,
for the petitioner in CRM-M-27073-2024.

Mr. Jasdeep Singh Gill, Additional Advocate General, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

CRM-23395-2024

The present application has been filed for placing on record
Annexure P-4 and P-5.

For the reasons recorded in the application, the same is allowed.
Annexure P-4 and P-5 are taken on record subject to all just exceptions.

Main cases

1. All the four petitions are taken up together for final disposal
with the consent of learned counsel for the parties since all the four petitions
arise out of the same FIR and the prayer in all the four cases is for the grant
of regular bail.

2. All the four petitions have been filed under Section 439 of the
Code of Criminal Procedure for the grant of regular bail to the petitioners in



FIR No.144 dated 29.10.2020, under Sections 21, 21-C, 25/27, 27-A, 29/61/85 of NDPS Act, registered at Police Station STF, Phase-IV, Mohali, District SAS Nagar (Mohali).

3. The present FIR was lodged on the basis of secret information received by the police that three persons namely, Manjeet Singh @ Manna, Vishal @ Vishu and Angrej Singh would be bringing contraband and in case they are intercepted then contraband can be recovered from them. As per the allegations in the present case, police received the aforesaid secret information that the contraband is being carried in two cars, out of which one was Endeavour and the other one was Maruti Ciaz and huge quantity of contraband could be seized from the aforesaid two cars. Thereafter, when the Endeavour car was intercepted on 01.11.2020, a recovery of 18 kgs. of *Heroin* and 6 kgs. of ICE having a salt of *Amphetamin* was made from the aforesaid Endeavour car and the person who was driving the aforesaid car is one of the petitioners namely, Manjeet Singh @ Manna and he was arrested on the spot alongwith the aforesaid recovery of 18 kgs. of *Heroin* and 6 kgs. of ICE. After the arrest of the petitioner Manjeet Singh @ Manna, on the basis of his disclosure and in pursuance of Section 27 of the Indian Evidence Act, there was a further recovery of 3 kgs. of *Heroin*. The aforesaid apprehension of Manjeet Singh @ Manna happened on 01.11.2020 and after two days i.e. on 03.11.2020, the other car namely, Ciaz was also intercepted and from the aforesaid car, there was a recovery of 10 kgs. of *Heroin* and two persons were arrested from the aforesaid car namely, Angrej Singh (non-petitioner) and Vishal @ Vishu (petitioner in CRM-M-



26640-2024). The aforesaid Angrej Singh has already been granted regular bail by this Court vide Annexure P-4.

4. Learned counsel appearing on behalf of the petitioner Manjeet Singh @ Manna in CRM-M-25722-2024 submitted that he is in custody from 01.11.2020 which is almost 3 years and 10 months and he is involved in one more case under the NDPS Act in which there was a recovery of 188 kgs. of *Heroin*, although the said recovery of 188 kgs. of *Heroin* was not made from the petitioner Manjeet Singh @ Manna but he was nominated on the basis of the disclosure statement of a co-accused and [he is facing trial in the aforesaid case](#). The aforesaid FIR was registered prior to the registration of the present FIR. He submitted that it was because of the aforesaid reason that the petitioner has been falsely implicated in the present case. He also submitted that even the information on the basis of which the petitioner was apprehended by the police was received by the police prior to the date of his apprehension and the petitioner has falsely been implicated in the present case and the present case was planted upon him by the police. In this regard, he also referred to the Forensic Laboratory Report wherein so far as the salt of *Amphetamin* is concerned, the same is not present and therefore, the false implication of the petitioner cannot be ruled out. He also submitted that the other co-accused namely, Shankar Singh, Angrej Singh, Randeep Singh @ Rani @ Ramneek Singh @ Rammi, Kewal Krishan, Rajinder Masih @ Pele and Vijay Kumar @ Giyani @ Gavi have already been granted regular bail by this Court vide Annexure P-4 and the petitioner being at parity with the aforesaid co-accused is also entitled for the grant of regular bail. He also



submitted that the trial of the case is not going at a proper pace and till date only five prosecution witnesses have been examined out of total cited 78 witnesses and, therefore, the petitioner is also entitled for the grant of regular bail because of his long incarceration.

5. Learned counsel appearing on behalf of the petitioner Vishal @ Vishu in CRM-M-26640-2024 submitted that he is also in custody from 03.11.2020 which is almost 3 years and 10 months and he is also involved in one more case under the NDPS Act but he was also falsely implicated in the present case, even as per the prosecution itself when initially the information was received by the police, then the police intercepted the other car which is the Endeavour car and one of the petitioners namely, Manjeet Singh @ Manna was apprehended from whom there was a recovery of 18 kgs. of *Heroin* and after a gap of two days the Ciaz car was intercepted and the petitioner was falsely implicated in the present case. He also laid emphasis on the orders passed by this Court vide Annexure P-4 to contend that the other co-accused namely, Angrej Singh who was also stated to be sitting in the Ciaz car alongwith the present petitioner has already been granted regular bail by this Court vide Annexure P-4 and, therefore, the petitioner is exactly at parity with the aforesaid co-accused namely, Angrej Singh and, he is entitled for the grant of regular bail not only on the ground of parity but also on the ground of long custody because he is also in custody for 3 years and 10 years and the trial of the case is not progressing.

6. Learned counsel appearing on behalf of the petitioner Gurdeep Singh in CRM-M-27073-2024 submitted that he is also in custody from



03.12.2020 which is almost 3 years and 9 months and he is involved in four more cases out of which one case pertains to NDPS Act and three cases pertain to IPC and he was nominated on the basis of the disclosure statement of a co-accused namely, Manjeet Singh @ Manna and thereafter, the police has falsely implicated him by showing a recovery of 418 grams of *Heroin* from him. He submitted that there is no other evidence available with the police to connect the petitioner with the present offence and it is a settled law that a mere disclosure statement of a co-accused is not admissible in evidence *per se* and has also referred to a judgment of Hon'ble Supreme Court in *Tofan Singh V/s. State of Tamil Nadu [2021 (4) SCC 1]* and on that ground the other co-accused have already been granted regular bail by this Court vide Annexure P-4. He further submitted that the petitioner is entitled for the grant of regular bail not only because of the aforesaid reason but also because of the long custody and parity of the petitioner with the other co-accused who have been granted regular bail by this Court vide Annexure P-4 except co-accused Angrej Singh.

7. Learned counsel appearing on behalf of the petitioner [Ravej Singh Dhillon](#) in CRM-M-26659-2024 submitted that he is also in custody from 05.11.2020 which is almost 3 years and 10 months and he is involved in one more case under the NDPS Act. He submitted that so far as the petitioner [Ravej Singh Dhillon](#) is concerned, he was also nominated on the basis of the disclosure statement of a co-accused namely, Manjeet Singh @ Manna but there had been no recovery from the petitioner [Ravej Singh Dhillon](#) and he is entitled for the grant of regular bail not only on the ground



of parity with the other co-accused who have been granted regular bail by this Court vide Annexure P-4 but also on the ground of long custody and especially the stage of the trial.

8. All the learned counsels for the petitioners have further submitted that it is a case where initially the charges were framed on 05.01.2022 and thereafter on the basis of supplementary challan submitted by the police, the charges were again framed on 27.04.2023 and the prosecution witnesses were not even examined for more than one year and it was only when the other co-accused had filed a petition for grant of regular bail before this Court and a report was sought from the learned trial Court regarding the fact whether process of examining the prosecution witnesses had started and now only five prosecution witnesses have been examined and that too not material witnesses and even the personnels who were a part of the police party have also not been examined, although now the trial of the case is going at a fast pace but it led to long incarceration of the petitioners and, therefore, the petitioners may be considered for the grant of regular bail. They also submitted that in the present case, even the accused were not produced despite the production warrants being issued by the learned trial Court. They also submitted that in the present case, even the contraband which was lying in the Malkhana was stolen alongwith contraband which was recovered in some other unconnected cases and thereafter even an FIR was also registered in this regard and in this way, due to the aforesaid facts and circumstances, the petitioners are entitled for the grant of regular bail.



9. On the other hand, Mr. Jasdeep Singh Gill, learned Additional Advocate General, Punjab has submitted that the Director General of Police, STF has filed a detailed affidavit in the present case in pursuance of the orders passed by this Court and he is also present in the Court today alongwith the officers. He submitted that it is correct that all the petitioners have faced incarceration for about 3 years and 10 months and it is also correct that some of the co-accused namely, Shankar Singh, Angrej Singh, Randeep Singh @ Rani @ Ramneek Singh @ Rammi, Kewal Krishan, Rajinder Masih @ Pele and Vijay Kumar @ Giyani @ Gavi have already been granted regular bail by this Court vide Annexure P-4 on the ground of their long incarceration and also on the ground that the prosecution witnesses were not examined at that point of time. He submitted that now five prosecution witnesses have been examined and the trial of the case is going at a fast pace and considering the quantity recovered from the petitioners, they are not entitled for the grant of regular bail, assumingly even if they are at parity with the aforesaid co-accused because at that point of time the prosecution witnesses were not examined. He while referring to the affidavit filed by the Director General of Police, STF submitted that initially when the charges were framed on 05.01.2022, the learned trial Court did not issue the summons to the prosecution witnesses for about 1 year and it was after the presentation of the supplementary challan and re-framing of the charges that thereafter on different occasions the prosecution witnesses were summoned. He also submitted that as per the affidavit filed by the Director General of Police, STF, even after the



issuance of summons by the learned trial Court, the Court staff did not prepare and issue the summons and for the first time, the summons prepared and issued by the Court staff on 22.04.2024 and thereafter on 10.05.2024. He also submitted that with regard to the production warrants to the accused are concerned, the jail authorities of the concerned jails where the different accused were lodged did not receive even the production warrants which were otherwise issued through email because probably the Court staff never issued and sent any email to the jail authorities and, therefore, a lapse has occurred. He also submitted that so far as the missing contraband from the Judicial Malkhana is concerned, the same was also stolen alongwith contraband of some other unconnected cases regarding which a separate FIR was also registered and that lapse also occurred due to negligence on the part of the Court staff. He submitted that it was because of the aforesaid totality and circumstances that the prosecution witnesses could not depose before the learned trial Court in time and as per the affidavit filed by the Director General of Police, STF, it has been so stated that the Assistant Inspector General of Police, Special Task Force, Ludhiana Range has been specifically directed to depute a DSP Rank Officer who will go and make sure on each and every date that all the witnesses who have been summoned come present before the learned trial Court for marking their presence, so that they can depose before the learned trial Court and the Director General of Police, STF who is also present in the Court has also assured that the Assistant Inspector General of Police, Special Task Force, Ludhiana Range will strictly comply even with the order issued by the Director General of



Police, Punjab whereby directions have been issued to all the police personnel that completion of investigation and appearance of prosecution witnesses before the learned trial Court to record their evidence should be done at first available opportunity particularly in the cases registered under the NDPS Act, failing which they shall be personally liable for non-compliance. Learned Additional Advocate General submitted that in view of the aforesaid facts and circumstances now the trial of the case is going at a fast pace and, therefore, the petitioners are not entitled for the grant of regular bail, even if they are at parity with the aforesaid co-accused. He also submitted that considering the huge recovery of quantity of Heroin i.e. 21 kgs. from the petitioner Manjeet Singh @ Manna and 10 kgs. from the petitioner Vishal @ Vishu which was although after a lapse of two days, the same fall in the category category of commercial quantity and, therefore, the prayer of the petitioners is hit by the bar contained under Section 37 of the NDPS Act and, therefore, the petitioners are not entitled for the grant of regular bail.

10. I have heard the learned counsels for the parties.

11. The facts of all the four petitioners are required to be considered independently for the purpose of ascertaining as to whether they are entitled for the grant of regular bail or not. So far as the petitioner Gurdeep Singh is concerned, he is stated to be in custody for 3 years and 9 months and he was not apprehended on the spot and there was no recovery effected from him nor he was named in the FIR. It was thereafter on the disclosure statement of a co-accused namely, Manjeet Singh @ Manna that he was apprehended and



from him allegedly, there was a recovery of 418 grams of *Heroin*. He was nominated on the basis of the disclosure statement and the other co-accused namely, Shankar Singh, Randeep Singh @ Rani @ Ramneek Singh @ Rammi, Kewal Krishan, Rajinder Masih @ Pele and Vijay Kumar @ Giyani @ Gavi except co-accused Angrej Singh, who were also nominated on the basis of disclosure statement of a co-accused and who have been extended the benefit of regular bail by this Court in view of the judgment of Hon'ble Supreme Court in *Tofan Singh's case (Supra)* and also other judgments of Hon'ble Supreme Court pertaining to the right of speedy trial i.e. *Satender Kumar Antil Versus Central Bureau of Investigation and another [2022 (10) SCC 51]*, *Mohd. Muslim @ Hussain Versus State (NCT of Delhi) [2023 AIR (SC) 1648]*, *Dheeraj Kumar Shukla v. The State of Uttar Pradesh (Special Leave to Appeal (Crl.) No.(s) 6690 of 2022)* and *Rabi Prakash Versus State of Odisha, Special Leave to Appeal (Crl.) No.4169 of 2023*. Those co-accused have been granted regular bail also primarily on the ground of prolonged trial and the fact that they were on disclosure statement and therefore, this Court is of the considered view that the petitioner Gurdeep Singh is at parity with the aforesaid co-accused and, therefore, he is entitled for the grant of regular bail.

12. So far as the petitioner Ravej Singh Dhillon is concerned, he is also nominated on the basis of disclosure statement of a co-accused and is also in custody for 3 years and 10 months, although there is one more case under the NDPS Act against him but as per the learned counsel for the parties, even after his arrest, there was no recovery effected from him.

Therefore, clearly the petitioner Ravej Singh Dhillon is also at parity with



the aforesaid co-accused and not only on the ground of parity but also on the ground of delayed trial and long incarceration, he is also entitled for the grant of regular bail.

13. So far as the petitioner Vishal @ Vishu is concerned, he is also stated to be involved in one more case under the NDPS Act and is also in custody for about 3 years and 10 months. So far as the petitioner Vishal @ Vishu is concerned, although he is named in the FIR but his car was intercepted after two days and alongwith him there was another co-passenger namely, Angrej Singh and both Vishal @ Vishu and Angrej Singh were named in the FIR and from them there was alleged recovery of 10 kgs. of *Heroin* but the aforesaid co-accused Angrej Singh has already been granted the benefit of regular bail by this Court vide Annexure P-4. Therefore, so far as the parity aspect is concerned, the petitioner Vishal @ Vishu is also at parity with the aforesaid co-accused Angrej Singh and he cannot be denied bail in view of the aforesaid parity and also in view of the long custody of the petitioner and, therefore, he is also entitled for the grant of regular bail.

14. So far as the petitioner Manjeet Singh @ Manna is concerned, he is stated to be in custody for about 3 years and 10 months and he is also involved in one more case under the NDPS Act which was registered in the month of January, 2020 and in that case there was a recovery of 188 kgs. of *Heroin* from the other co-accused and he was nominated on the basis of disclosure statement and he is facing trial in the aforesaid case. The petitioner Manjeet Singh @ Manna was named in the FIR and as per the



FIR itself, the police got a secret information and he was apprehended at the first instance on 01.11.2020 and from him there was a recovery of huge quantity of 18 kgs. of Heroin and 6 kgs. of ICE having a salt of *Amphetamin* and and thereafter when he was arrested again there was a recovery of 3 kgs. of Heroin and therefore, there was a total recovery of 21 kgs. of *Heroin* 6 kgs. of ICE. Learned counsel for the petitioner Manjeet Singh @ Manna has argued that he is at parity with the other co-accused who have already been granted regular bail by this Court vide Annexure P-4 but this Court is of the considered view that the petitioner namely, Manjeet Singh @ Manna cannot be termed to be at parity with the aforesaid co-accused who have been granted regular bail by this Court vide Annexure P-4 because the petitioner Manjeet Singh @ Manna was apprehended at the first instance on the first date i.e. 01.11.2020 and he was named in the FIR. Another argument raised by the learned counsel for the petitioner that the petitioner has been falsely implicated in the present case also cannot become a ground for grant of bail because the fact as to whether he was falsely implicated or not can only seen at the time of trial when the evidence is adduced. The petitioner Manjeet Singh @ Manna is also in custody for about 3 years and 10 months and now five prosecution witnesses have been examined. The Director General of Police, STF who has filed an affidavit before this Court and is also present in the Court has now assured this Court that a regular monitoring will be done with regard to the presence of the prosecution witnesses and there will be no negligence on the part of the prosecution witnesses for deposing before the Court within time. Therefore, this Court



is of the considered view that so far as the petitioner Manjeet Singh @ Manna is concerned, there is no ground available to him for making a departure from the bar contained under Section 37 of the NDPS Act in view of the fact that from him at the first instance, there was a recovery of huge quantity of 18 kgs. of *Heroin* and 6 kgs. of ICE having a salt of *Amphetamin* and and thereafter when he was arrested again there was a recovery of 3 kgs. of *Heroin* and, therefore, there was a total recovery of 21 kgs. of *Heroin*.

15. In view of the above, bail petitions filed by the petitioners Gurdeep Singh, Ravej Singh Dhillon and Vishal @ Vishu are allowed. They shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

16. So far as the petitioner Manjeet Singh @ Manna is concerned, he does not deserve the concession of regular bail and, therefore, the bail petition filed by him is dismissed.

17. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petitions only.

09.09.2024
rakesh

(JASGURPREET SINGH PURI)
JUDGE

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