



235

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-25883-2024
Date of decision:-04.11.2024

MANPREET SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Yashpal Thakur, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
29	13.03.2024	22 and 29 of NDPS Act	Lehra, District Sangrur

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on the alleged disclosure statement of co-accused Manpreet Singh and Kulwinder Singh @ Kalu from whom recovery of contraband was allegedly



effected. He submits that the petitioner has no concern either with the aforesaid accused or with the alleged recovery nor is having any criminal antecedents but has been falsely implicated in this case and is in custody since 17.03.2024. He contends that even after the arrest of petitioner no recovery of contraband has been effected from him and challan has already been presented in Court. Hence he prays for grant of bail to the petitioner.

4. *Per contra*, learned State counsel referring to reply submitted by the State has opposed the bail petition by arguing that the petitioner had been nominated by the aforesaid co-accused claiming him to have supplied the contraband to them. However, he has admitted that consequent upon the arrest of the petitioner no recovery was effected from him and the challan has already been presented in Court and he has also not disputed the fact that the petitioner is not having any criminal antecedents.

5. After considering the rival contentions and perusing the record, it transpires that on 13.03.2024, SI Avtar Singh while on patrolling noticed one motorcycle parked on the roadside with two persons sitting on it have rolling a polythene envelope, who on seeing police party threw it on the ground. They were apprehended on suspicion and found to be in possession of intoxicant tablets. Subsequently, FIR was registered and during their interrogation they had allegedly disclosed to have bought the tablets from the petitioner and accordingly the petitioner was nominated in the case.

6. Admittedly, the petitioner was not named in the FIR but was nominated on the alleged disclosure of the co-accused Manpreet Singh and Kulwinder Singh @ Kalu. It is also not disputed that the petitioner is not

having any criminal antecedents and even consequent upon his arrest on 17.03.2024 no recovery has been effected from him. Apart from the disclosure statement of co-accused, there is nothing to connect the petitioner with the alleged offence or have involved in the transactions of narcotics. After completion of investigation challan has already been presented in Court and conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time.

7. Keeping in view the fact that the petitioner is not having any criminal antecedents and no recovery has been effected from him, in these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

04.11.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |