



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.35459 of 2024
Date of decision: 31st July, 2024

Manga Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Umesh K. Kanwar, Advocate for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.58 dated 09.04.2024 under Sections 15, 27, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station STF, Mohali, District Mohali.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that too, on the basis of a disclosure statement allegedly suffered by co-accused Balwinder Singh, from whom a recovery of 100 kgs of poppy husk was allegedly affected. It has been argued that the disclosure statement, on the basis of which the petitioner has been nominated as an accused, has very poor evidentiary value and hints towards the petitioner's innocence in the present case. Learned counsel has submitted that in the circumstances,



the petitioner be enlarged on bail, more so when pursuant to his arrest on 16.04.2024, no recovery of any contraband was affected from him.

3. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted that no doubt, no recovery of any contraband much less poppy husk was affected from the petitioner, however, enough evidence had been collected by the Investigating Agency to link the petitioner with the crime in question as there were recorded transactions of ₹40,000/- into the account of co-accused Balwinder Singh. It has been further submitted that the petitioner's criminal antecedents, which are evident from his custody certificate placed on record, further lends credence to his active involvement in drug trafficking.

4. On a pointed query, learned State counsel on instructions has submitted that the investigation is still underway and keeping in view the criminal antecedents of the petitioner, there is every likelihood that in case he is extended the concession of bail at this stage, he could misuse the same and abscond.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. In the facts and circumstances as enumerated hereinabove, more so, when the investigation is still pending and there are recorded bank transactions between the petitioner and the co-accused, he prima



facie comes across as a habitual offender, for which this Court is not inclined to extend the concession of bail to him. The petition as such is dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

July 31, 2024
rps

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