



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

(231)

**CRM-M-41014 of 2024
Date of Decision: 27.11.2024**

Manpreet Singh @ Manna

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Harmanpreet Singh, Advocate, for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.(ORAL)

1. The petitioner is seeking the concession of bail pending trial under Section 483 of the BNS in case FIR No.15 dated 20.01.2024 under Sections 21-C, 23, 27-A and 29 of the NDPS Act and Section 212 and 216 of IPC, 1860 registered at Police Station Gate Hakima District Police Commissionerate Amritsar.
2. On the last date of hearing, learned State counsel had argued that the petitioner-Manpreet singh was a man of criminal antecedents as he stood booked in another case under NDPS Act, which fact has however been disputed by the learned counsel for the petitioner. Learned State counsel on instructions has conceded that the petitioner has no previous criminal antecedents much less under the NDPS Act. He on further instructions has also not disputed the custody period of the petitioner as well as the factum of no recovery of any contraband much less Heroin having been effected from



the petitioner after he was arrested on 22.01.2024 following his name surfacing in the disclosure statement allegedly suffered by co-accused.

3. Learned counsel for the petitioner has reiterated his submissions on the last date of hearing that the petitioner had been falsely implicated in the instant case; the alleged recovery of 2Kgs of Heroin along with drug money (Rs. 1.25 Lakhs) had been effected from co-accused Harmandeep Singh @ Harman and furthermore the petitioner came to be nominated as an accused only on the disclosure statement suffered by co-accused. It has been vehemently argued by learned counsel that the disclosure statement on the basis of which the petitioner has been nominated as an accused in the present case holds very weak evidentiary value and since he has no previous criminal antecedents it clearly points to the petitioner's innocence. It has also been submitted by learned counsel for the petitioner that during the pendency of the instant petition charges have already been framed against all the accused including the petitioner. However, none of the 31 witnesses cited by the prosecution has been examined to date, hence, the possibility of the trial concluding in the near future looks remote. In support, learned counsel has also placed reliance upon ***Dheeraj Kumar Shukla Vs. State of Uttar Pradesh [SLP(Crl.) No.6690/2022]***, wherein Hon'ble the Supreme Court in almost identical circumstances had extended the concession of bail to the accused on account of inordinate delay in the conclusion of the trial even though the recovery effected had been classified as 'commercial' in the said case; Hon'ble the Supreme Court had dispensed with the conditions of Section 37 of the NDPS Act.



4. Learned State counsel on instructions has not disputed that charges have since been framed in the present case however none of the 31 prosecution witnesses have been examined.

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

6. Hon'ble the Supreme Court in ***Dheeraj Kumar Shukla Vs. State of Uttar Pradesh [SLP(CrL) No.6690/2022]*** decided on 25.01.2023 has observed as under:-

“.... It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed.”

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

8. 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. 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.



9. 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.

27.11.2024

anil

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No