

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

**Neutral Citation No. 2024:PHHC:017957
CRM-M-57785-2023
Date of Decision: February 08, 2024**

Manpreet Singh @ Kakku **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rajiv Kumar Saini, Advocate for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

By way of present petition, petitioner prays for his release on regular bail in a case arising out of FIR No.94 dated 08.08.2020, under Sections 21, 25 and 29 (Act No.61 of 1985) of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station STF, SAS Nagar, Mohali.

2. It is the 4th petition for this purpose. The first petition bearing No. CRM-M-893-2021 was dismissed as withdrawn at that stage vide Annedxure P-3. The 2nd petition bearing No.CRM-M-40999-2022 was dismissed on 13.09.2022 after noticing his criminal antecedents. The 3rd petition, bearing No.CRM-M-16611-2023 was dismissed as withdrawn with liberty to file fresh petition, after adjudication of the application under Section 227 Cr.P.C.

3. As per the allegations, 300 grams of heroin was recovered from a car bearing registration No.PB-02-DU-3803, which was being driven by co-accused Satnam Singh @ Bunty and occupied by another co-accused Jarnail Singh @ Goldy. On the basis of the disclosure statements suffered by both of them, the petitioner was nominated and

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after his arrest, he got effected the recovery of 100 grams of heroin from the kitchen.

4. Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that recovery effected from him falls in the non-commercial category. Learned counsel contends further that co-accused Satnam Singh @ Bunty from whom recovery of commercial category of contraband was effected, has already been allowed bail by this Court vide order dated 31.10.2023 passed in CRM-M-57772-2022 (Annexure P-7). Still further, learned counsel has drawn attention towards the fact that trial is not proceeding further as it is still fixed for consideration on the application under Section 227 Cr.P.C. moved by co-accused for discharge.

5. Status report by way of affidavit of Shri Sikander Singh, Deputy Superintendent of Police, Special Task Force, Border Range, District Amritsar, along with custody certificate has been filed by learned State counsel.

6. Learned State counsel, on instructions from ASI Surender Kumar, does not dispute the fact that the petitioner was nominated on the basis of the disclosure statement; and that the recovery effected from the petitioner falls in the non-commercial category.

7. Custody certificate placed on record reveals that petitioner is in custody for the last 03 years, 05 months and 11 days, though he is involved in 02 more cases of NDPS Act and is also a convict in a prison offence.

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8. Having noticed the long period of incarceration of the petitioner, the fact that the trial is not proceeding due to pendency of an application under Section 227 Cr.P.C. and the fact that recovered quantity of contraband from the petitioner falls in the non-commercial category, but without commenting anything on the merits of the case, petitioner is admitted to bail. He is ordered to be released on regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

February 08, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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