

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60764-2023
Date of Decision:31.01.2024

Mannu @ Manvir Singh ...Petitioner

vs.

State of Haryana ...Respondent

Coram : **Hon’ble Mr. Justice N.S.Shekhawat**

Present : Dr. Pankaj Nanhera, Advocate with
 Mr. Rahul Gautam, Advocate and
 Mr. Pradeep Duhan, Advocate
 for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 515 dated 23.12.2022, registered under Sections 20 (ii c) 61/85 of NDPS Act, Police Station Chandkut, District Palwal, Haryana.
2. As per the case of the prosecution, a secret information was received by the police that Manoj, Manveer @ Mannu and Sunil were involved in smuggling of narcotic substances and they were bringing narcotic substance in a vehicle mark Ford Ecosport. On getting the secret information, a naka was set up by the police at Rahimpur Check Post, Yamuna Bridge. The vehicle was stopped with the help of police officials and Manoj and other co-accused were apprehended at the spot, however, taking advantage of the crowd two persons succeeded in running away from there. As per Manoj, who had running away

from the spot were Manveer @ Mannu and Sunil son of Patre. On search of the car, 30 Kg 566 grams of Ganja Patti was recovered in three packets and Manoj was formally arrested by the police.

3. Learned counsel for the petitioner contends that the petitioner was not arrested at the spot and has been falsely named by the complainant in the present case. Learned counsel further contends that the only evidence against the present petitioner is the disclosure statement suffered by co-accused Manoj and no other evidence has been found against him. Learned counsel further contends that even Manoj had named the petitioner and Sunil son of Patre as accused in the present case, however, during the course of investigation, Sunil has been declared innocent and the petitioner is at par with Sunil son of Patre, co-accused. Learned counsel further contends that the petitioner was arrested in the present case on 09.01.2023 and is in custody for the last more than one year. He further submits that the petitioner is not involved in any other case under the NDPS Act.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner was travelling in the same car with Manoj, co-accused and Manoj was found carrying the commercial quantity of Ganja Patti. Learned State counsel further submits that three more cases were ordered to be registered against the present petitioner, however, no case under the NDPS Act was registered against him.

4. I have heard the learned counsel for the parties and perused the record.

5. It is apparent from the record that the petitioner was not

apprehended at the spot and was later on arrested on 09.01.2023. Even after the arrest of the petitioner, no recovery was effected from the present petitioner and no other case under NDPS Act has been registered against the present petitioner. Still further, the challan has already been presented against him and further custody of the petitioner will serve no meaningful purpose.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

31.01.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No