



**(209) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-2592-2025
Date of Decision: 28.01.2025

MANJIT SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kamaldip Singh Sidhu, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in this 4th petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.49 dated 16.04.2023 registered under Sections 15 & 29 of NDPS Act, 1985 at Police Station Sadar Sangrur, District Sangrur.

2. The brief facts of the case are that while the police party was on patrolling duty, secret information was received that Kulwinder Kaur (granted bail vide order dated 13.09.2023 Annexure P-11) wife of Kashmir Singh @ Soni and Kashmir Singh son of Darbara Singh, residents of village Khurnaa had brought poppy husk from outside and were habitual of selling the same. They had kept the poppy husk in their fodder container (khurli) and if a raid was conducted, they could be arrested on the spot. Kulwinder Kaur suffered a disclosure statement that petitioner-Manjit Singh had supplied the poppy husk to them for selling to customers.

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3. The learned counsel for the petitioner contends that the petitioner was named in the disclosure statement of his co-accused which has no evidentiary value. There was a delay of 02 hours in the registration of the FIR which creates a doubt in the prosecution case. In various documents prepared at the time of recovery and later on during investigation, the FIR No.9 had been inserted later on thereby falsifying the prosecution case. Kulwinder Kaur had been granted the concession of bail and therefore, he was entitled to the similar relief even though he was a habitual offender.

4. On the other hand, the learned State counsel contends that this is the 4th bail application of the petitioner without any change in circumstances, the last one having been withdrawn as recently as on 05.09.2024 (Annexure P-10). The petitioner was a habitual offender being a convict in 03 other cases arising out of FIR No.174 dated 31.12.2010 U/s 15 of NDPS Act, P.S. Sadar Sangrur, District Sangrur, FIR No.113 dated 22.08.2023 U/s 22 of NDPS Act, P.S. Longowal, District Sangrur and FIR No.52 dated 27.05.2014 U/s 15, 22 of NDPS Act, P.S. Sadar Sunam, District Sangrur and an under-trial in another case bearing FIR No.115 dated 27.05.2020 U/s 15 of NDPS Act, P.S. Sadar, Sangrur. The arguments raised by the petitioner are the ones which had been considered and negated while considering the earlier bail applications of the petitioner. As the petitioner was a habitual offender, 10 of the 19 prosecution witnesses had been examined so far and the Trial was at its fag end therefore, he was not entitled to the concession of bail.

5. I have heard the learned counsel for the parties.

6. This is the 4th bail application on behalf of the petitioner. The details of his earlier bail applications are as under:-

Sr. No.	Bail Application	Date of Decision
1.	CRM-M-23880-2023	Dismissed as withdrawn on 12.07.2023
2.	CRM-M-39281-2023	Dismissed as withdrawn on 27.05.2024
3.	CRM-M-42528-2024	Dismissed as withdrawn on 05.09.2024

7. The details of FIRs registered against the petitioner are as under:-

Sr. No.	FIR Nos. and date	Sections	Police Station
1.	FIR No.174 dated 31.12.2010	15 of NDPS Act	Sadar Sangrur, District Sangrur
2.	FIR No.113 dated 22.08.2013	22 of NDPS Act	Longowal, District Sangrur
3.	FIR No.52 dated 27.05.2014	15, 22 of NDPS Act	Sadar Sunam, District Sangrur
4.	FIR No.115 dated 27.05.2020	15 of NDPS Act	Sadar, Sadar

8. As has been mentioned above, this is the 4th bail application of the petitioner without any change in circumstances whatsoever. The various grounds raised by the counsel for the petitioner in the instant petition have been raised earlier and negated because of which the said petitions were withdrawn after lengthy arguments primarily on account of the fact that the petitioner was a habitual offender. The various contentions raised shall be considered at the time of the final adjudication of the case after the Trial



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Court has considered the evidence on record. As many as 10 of the 19 prosecution witnesses have been examined so far and the Trial is at its fag end. Kulwinder Kaur was granted bail because of her clean antecedents on 13.09.2023 after which 2nd bail application of the petitioner stand argued and withdrawn.

9. This Court in the case of **Soni Singh @ Chamkaur Singh Versus State of Punjab, CRM-M-31645-2022, decided on 20.10.2022**, held as under:-

“Admittedly, the petitioner in the present case is named in the disclosure statement of the arrested accused. Subsequently thereto 3Kgs of Poppy Husk was recovered at his instance which is a non commercial quantity. It may be relevant to mention here that limitations to the grant of bail under Section 37 of the NDPS Act are in addition to those prescribed under Cr.PC or any other law inforce on the grant of bail as has been set out by the Hon'ble Supreme Court in Satpal Singh Vs. State of Punjab 2018(5) RCR (Criminal) 152. In the present case, the petitioner is involved in two other cases under the NDPS Act. Thus, as he is a habitual offender, he is not entitled to the grant of bail even under Section 439 Cr.PC keeping in view his antecedents. Even otherwise, assuming that the rigors of Section 37 of the NDPS Act did not apply to the petitioner, that by itself would not ipso facto lead to the grant of bail to the petitioner.

In view of the above discussion, I find no merit in the present petition and the same is therefore dismissed.”

10. Keeping in view the allegations levelled against the petitioner as well as his antecedents the satisfaction under Section 37 of the NDPS Act that he has not committed an offence and is not likely to commit one in the future cannot be recorded.

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11. In view of the above discussion, I do not deem it appropriate to grant him the concession of bail and therefore, the present petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

28.01.2025
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No