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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-27446-2024 (O&M)
Date of Decision:- 18.03.2025

MANJINDER SINGH @ SABA

Versus

....Petitioner(s)

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. S.S. Gill, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
04	08.01.2024	21(b) and 29 NDPS Act	Sarhali, District Tarn Taran

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and the alleged recovery of 115 grams of heroin has been planted upon him, which other is non-commercial quantity. He submits that the petitioner is in custody since 08.01.2024 and after the completion of investigation, challan



has been presented in Court and the conclusion of trial will take sufficient long time. Thus, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the short reply filed by the State has opposed the petition on the ground that the petitioner is a habitual offender and total recovery of 235 grams of heroin was effected from the petitioner and co-accused Malkiat Singh. Thus, prays for dismissal of the petition. He has, however, not disputed that the recovery effected from the petitioner does not fall within the purview of commercial quantity and after the completion of investigation, challan has been presented in Court.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution the police party spotted two persons coming on foot, who on seeing the police party abruptly turned back and threw away the polythene packets which they were carrying. On suspicion, they were apprehended and 120 grams and 115 grams of heroin was effected from the polythene packets thrown by the co-accused and petitioner respectively. Accordingly, the FIR was registered and the investigation was carried out and after the completion thereof, challan was presented in Court. The prosecution has cited 09 witnesses, however, none has been examined till date. Admittedly, the recovery effected from the petitioner is of intermediate quantity and the petitioner is in custody since 08.01.2024. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time.



In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

18.03.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No