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

**CRM-M No.25911 of 2025
Date of Decision: 16.05.2025**

Manjit Singh @ Doctor @ Chigal @ Manjeet Chigal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Harish Bhatti, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.47, dated 14.09.2023, under Section 22 of NDPS Act and final report was submitted under Sections 22, 29, 61 & 85 of NDPS Act, later on charges were framed under Sections 22 & 29 of NDPS Act, registered at Police Station City Kurali, District SAS Nagar (Mohali) (Annexure P-1).

2. Succinctly the facts of the case are that on 14.09.2023, the police party was on patrolling. Drug Inspector Anurag was on his way to the medical store in area of Police Station City Kurali, near Bains Medical Store Office Municipal Committee, Kurali. During the checking, a large amount of expired medicines were found in the medical store. 340



tablets of Tramadol Hydrochloride 100 MG with expiry date of the year 2025 were also recovered. Medical store owner was found to be violating the terms and conditions of the licence by keeping expired medicines and 340 Tramadol Hydrochloride tablets. Thus the FIR was registered against the accused, Malkeet Singh and the investigation commenced. During the investigation, disclosure statement of Malkeet Singh was recorded wherein he disclosed that he purchased the contraband from Manjit Singh @ Doctor @ Chigal @ Manjeet Chigal (petitioner) and other persons. Thus the petitioner was also arrayed as an accused and he was arrested on 17.09.2023. During the investigation, the petitioner disclosed about the drugs which he has kept in his rented room. The Investigating Agencies raided the premises as disclosed by the petitioner and recovered 990 tablets of Alprazolam from his premises. The petitioner failed to produce any licence regarding the conscious possession of the same and thus he was prosecuted in the present FIR. The petitioner approached the Court of learned Judge, Special Court, SAS Nagar (Mohali) praying for the grant of bail. However after hearing both the sides finding no merit in the same, the learned Judge, Special Court, SAS Nagar (Mohali) declined the same vide his order dated 28.05.2024. Being aggrieved, the petitioner had earlier approached this Court by way of filing CRM-M-60120-2024 praying for the grant of bail, however the same was allowed to be dismissed as withdrawn vide order dated 05.12.2024. Hence being aggrieved the petitioner is before this Court by way of filing the present second petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the



present case. He has submitted that the petitioner has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused, Malkit Singh. He has submitted that the alleged recovery of 990 tablets of Alprazolam was planted upon the petitioner, which are said to have been recovered from the room taken on rent by the petitioner. He has submitted that as per the FSL report, the alleged contraband weighs 103.95 grams, however the quantity above 100 grams is commercial in nature and thus, the recovery effected is marginally above the commercial quantity. He has submitted that in all there are 03 accused in this case, however one of the accused has been granted bail. He has thus submitted that the petitioner is implicated on the basis of disclosure statement. He has submitted that the investigation is complete and the charges have been framed, however there is no substantial progress in the trial. He has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State has opposed the submissions made by counsel for the petitioner. He, on instructions, has submitted that the petitioner is facing prosecution in 07 more FIRs and out of which 02 are under the NDPS Act, whereas rest of these are under the Excise Act. He has submitted that the recovery effected from the petitioner is commercial in nature and thus the provisions of Section 37 of NDPS Act are attracted. He has submitted that out of 17 prosecution witnesses, only 03 have been examined so far. He has further apprised the Court that one of the accused is already on bail. He has placed on record custody certificate of the petitioner.

5. Heard.



6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was arrayed as an accused in the present case on the basis of disclosure statement of co-accused. From the disclosure of the petitioner, Alprazolam tablets were recovered which weighs 103.95 grams, which is marginally above the commercial quantity. Custody certificate shows that the petitioner is involved in 07 other cases, however he is on bail in all the cases. Custody certificate further shows that the petitioner has suffered incarceration of 01 year, 07 months and 27 days as on 15.05.2025. Out of 17 prosecution witnesses, 03 have been examined till date.

7. After perusal of the order passed by the Hon'ble Supreme Court in *Mohd Muslim @ Hussain vs. State (NCT of Delhi), 2023 Live Law (SC)260*, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. *A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial*



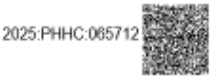
of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

21 *.....it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.*

23. *There is a further danger of the prisoner turning to crime, "as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal"²² (also see Donald Clemmer's 'The Prison Community' published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.'*

8. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the



satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

16.05.2025			(RAJESH BHARDWAJ)
<i>rittu</i>			JUDGE
	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No