



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

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**CRM-M-33015-2024
Decided on : 09.01.2025**

Manpreet Singh @ Manna @ Simma

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Arshdeep Singh Brar, Advocate
for the petitioner(s).

Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 439 of Cr.P.C., for grant of regular bail to the petitioner – Manpreet Singh @ Manna @ Simma, who has been booked for having committed the offence punishable under Sections 21, 29 of the NDPS Act, 1985, in FIR No. 167, dated 23.07.2022, registered at Police Station City Moga, District Moga, during the pendency of trial.

2. Counsel for the petitioner submits that there are total three accused and other two co-accused have been involved with the aid of Section 29 of the NDPS Act, whereas, recovery of polythene containing 700 gram of heroin is shown to be recovered from the possession of the petitioner.

3. Counsel further submits that petitioner is suffering incarceration for the last more than 02 years and 05 months and trial is progressing at a very low pace, as out of total 18 prosecution witnesses, only 05 witnesses have been examined so far. Thus, there are bleak chances of conclusion of



trial in near future. Therefore, prays for granting the concession of regular bail to the petitioner.

4. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 08.01.2024 in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 02 years, 05 months and 15 days period inside jail.

5. Learned State counsel further submits that as per the instructions received by him, there are total four accused and one of them has absconded. However, he does not dispute the period of incarceration and the submissions addressed by counsel for the petitioner, as recorded here-above.

In addition, learned State counsel informs that on the next day of registration of the present case, petitioner was involved in one more similar case under the NDPS Act and therefore, he could not be granted any concession of regular bail.

6. In response to the said submission, learned counsel for the petitioner argues that had the petitioner been real accused in the other case, he would have been arrested by the police earlier to the present one. Even name of the petitioner is not found to be there in the other case, which, was registered after registration of the present case i.e. FIR No.167, dated 23.07.2022.

7. I have considered the submissions addressed by both the sides



and examined the record available on the case file.

8. Undoubtedly, trial is running at a very low pace, because out of total 18 prosecution witnesses, only 5 witnesses have been examined so far and in every likelihood that conclusion of the trial would take considerable time. Therefore, in totality of facts and circumstances, I deem it appropriate to grant concession of regular bail to the petitioner.

9. Consequently, the prayer made in the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

11. The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

12. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

13. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 09, 2025

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No