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

CRM-M-35531-2025

Date of decision: 14.07.2025

Manpreet Singh alias Manna

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.27 dated 06.03.2025 under Sections 21(b)/29 of the NDPS Act and Section 25 of Arms Act and Section 27-A of NDPS Act added later on vide rapat No.23 dated 08.03.2025 registered at Police Station Sirhali, District Tarn Taran.

Brief facts of the case are that on 06.03.2025, ASI along with other police officials was on patrol duty in connection with the search of bad elements and they were going from CIA Tarn Taran to Sheron, Naushehra Pannuan, Thathian Mahanta and when the police party reached in front of office of PSPCL, three persons were seen standing there and on seeing the police party, they tried to turn back, out of them, one person took out a polythene packet from his pocket and threw the same in the side of kachha road. It is further alleged that on inquiry, the person told his name as Jashanpreet Singh @ Giani, second person disclosed his name as Jobanjit Singh @ Joban and third person was the present petitioner. On search, 200 grams of



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heroin, 30 bore loaded pistol, 5 live cartridges were recovered and from accused-Jobanjit Singh, 32 bore with cartridges was recovered and thus, the instant case.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and nothing has been recovered from the conscious and exclusive possession of the petitioner. Admittedly, the alleged contraband measuring 200 grams of *heroin* was recovered from the conscious possession of co-accused-Jashanpreet Singh @ Giani. He further submits that the petitioner is not involved in any other case. Further, the contraband recovered in the present case does not fall within the ambit of commercial quantity, as such, the embargo under Section 37 of the NDPS Act is not attracted in the present case. The petitioner is behind the bars since 10.03.2025 and he is having clean antecedents.

The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that the petitioner is arrested along with two of the other co-accused and 200 grams of *heroin* was recovered from the polythene bag thrown by co-accused, namely, Jashanpreet Singh. However, he could not controvert the fact that the petitioner is not involved in any other case and investigation of the case is complete.

A two Judge Bench of Hon'ble Supreme Court in '***Satender Kumar Antil v. CBI***' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than



2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 10.03.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 11 prosecution witnesses, none has been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Manpreet Singh alias Manna, is ordered to be released

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on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

14.07.2025*Neha*

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No