

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-40837-2025

Reserved on: 10th September, 2025

Pronounced on: 15th September, 2025

Manpreet Singh @ Manna

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

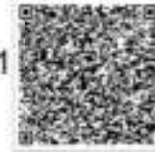
Present: Ms. Manveen Kahlon, Advocate for the petitioner.

Mr. Vivek Sharma, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 55 dated 11.05.2024 registered under Sections 21(c) and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short '*NDPS Act*') at Police Station Sultanwind, District Amritsar. In addition, prayer has been made for grant of interim bail to the petitioner on account of immediate and urgent medical treatment/surgery.

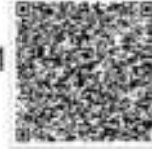
2. As per the allegations, on 11.05.2024, the accused Tanveer Singh @ Tanu apprehended by police party headed by SI Ranjit Singh and 255 grams of *heroin* was recovered from him. On interrogation, he suffered disclosure statement to the effect that he along with co-accused Gurbax Singh @ Gora was involved in the business of sale of *heroin*. He also



disclosed that the petitioner, who was at that time lodged in central Jail, Goindward Sahib, was also involved in the business with them and on getting instructions from him through *Whatsapp* and unknown persons, they used to get consignment of heroin and then deliver the same to some persons as per the instructions of the petitioner. The petitioner was nominated as an accused. His production was sought by issuance of production warrants and he was formally arrested in this case. On interrogation, he too suffered disclosure statement admitting his involvement in the crime. Investigation now stands completed.

3. It is submitted by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. No recovery has been effected from him. He was confined in jail. The trial will take considerable time to conclude as only 03 out of 23 prosecution witnesses, have been examined in this case. Moreso, he is in a bad condition of health and has been advised disectomy by neurosurgeon and surgery has to be performed by him. His further incarceration is not going to serve any useful purpose. Therefore, it is urged that he deserves to be released on bail.

4. *Per contra*, learned State counsel has argued that there are serious and specific allegations against the petitioner as he had been in contact with the co-accused through *Whatsapp* while being lodged in jail and had been managing business of sale of contraband. He has criminal antecedents as two other cases under the NDPS Act are pending against him. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is urged that the petition does not

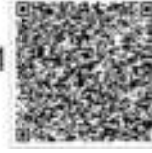


deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length and has gone through the record carefully.

6. The well settled proposition of law is that while considering an application for grant of bail, the Court has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusations; the danger of accused absconding or fleeing if released on bail and reasonable apprehension of the witnesses being threatened. The period of incarceration is also relevant factor i.e. is to be considered. It is also unequivocally established that, to be granted bail, the accused charged with offence under the provisions of NDPS Act must fulfill the conditions stipulated in Section 37 of the NDPS Act.

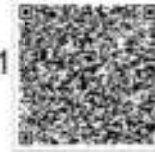
7. The case of the prosecution is that the name of the petitioner was disclosed by the co-accused Tanveer Singh from whom recovery of commercial quantity of *heroin* was effected. As per his disclosure statement, he has sourced the contraband from the petitioner. In ***Tofan Singh vs. State of Tamilnadu (2021) 4 SCC 1***, it was observed by Hon'ble Apex Court that the disclosure statements made under Section 67 of NDPS Act are inadmissible in evidence unless corroborated by independent material. While the veracity of the disclosure statement against the petitioner will be tested during the course of trial, however, at this stage, it cannot be ignored that no recovery was ever effected from the petitioner. He was in custody in some other case at the time when the recovery was effected. There is no material



on record to show that he was in contact with the co-accused. Though he is involved in two more cases under the provisions of NDPS Act, in the peculiar circumstances as discussed above, the bar under Section 37 of NDPS Act does not come in the way of granting bail to the petitioner. He is in custody since 11.05.2024. Challan has been presented. Trial will take time as only 03 out of 23 prosecution witnesses have been examined. The report submitted by the respondent-State also shows that the petitioner's case of prolapsed Intervertebral Disc with lumbar spinal stenosis and had been advised surgery. Though he is stated to be in stable condition but is managed with oral medicines.

8. The object of the jail is to secure the appearance of the accused during the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a punishment. As per the discussion made above, this Court is of the considered opinion that a case for release of the petitioner on bail is made out. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) he shall not leave the country under any circumstance without permission of the learned trial Court.



(iii) he shall appear before the learned trial Court as and when directed.

(iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.

(v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switch on all times.

9. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

10. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

11. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

15th September, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*