



CRM-M-51134-2024

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**222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-51134-2024
Decided on : 23.01.2025

Manpreet Singh @ Mani

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KARAMJIT SINGHPresent : Mr. Munish Raj Chaudhary, Advocate
for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

Karamjit Singh, J.(Oral)

1. The present petition has been filed by the petitioner under Section 483 of BNSS, 2023 for grant of regular bail in case FIR No.95 dated 08.07.2020 under Sections 22(3), 25, 29, 61/85 of NDPS Act, 1985 registered at Police Station Tapa Mandi District Barnala.

2. The allegations in nutshell are that the police recovered 1500 tablets of Tramadol Hydrochloride along with drug money worth Rs.5,000/- from co-accused Kulwinder Singh and Kuldeep Kaur on 08.07.2020. Thereafter, present petitioner is nominated as an accused on the basis of disclosure statement suffered by Kulwinder Singh and resultantly, petitioner was arrested on 01.09.2024.



3. Counsel for the petitioner *inter alia* submits that the present petitioner is falsely nominated as an accused on the basis of disclosure statement made by co-accused Kulwinder Singh. That the said disclosure statement suffered by co-accused against the present petitioner is inadmissible in evidence. Further, the petitioner is incarcerated for the last more than more than 04 months and 20 days and already released on regular bail in one another case faced by the petitioner in NDPS Act, which is relating to non-commercial quantity of the contraband. It is further submitted that trial is at its initial state and going to take time for its final disposal. Further detention of the petitioner in judicial custody is not going to serve any purpose and therefore, prayer is made for grant of regular bail to the petitioner during trial.

4. Status report by way of an affidavit of Gurbinder Singh, Deputy Superintendent of Police, Sub Division Tapa, District Barnala along with Annexure R-1 and Custody Certificate of the petitioner filed on behalf of respondent-State is taken on record.

5. Present petition is resisted by the counsel for the State, who on instructions from ASI Satguru Singh, submits that no doubt, the petitioner was not named in the FIR, he was nominated as an accused on the basis of disclosure statement suffered by co-accused Kulwinder Singh, who was earlier arrested in the present case along with Kuldeep Kaur. The police recovered commercial quantity of medical contraband and drug money worth Rs.5,000/- from aforesaid Kulwinder Singh and



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Kuldeep Kaur at the time of their arrest. However, State counsel has not disputed the fact that the petitioner is in custody for the last four months and 20 days and during investigation, no contraband was recovered at the instance of present petitioner and further, till date the prosecution is unable to examine any witness out of total 20 witnesses.

6. The veracity and relevance of the disclosure statement, if any, suffered by co-accused Kulwinder Singh against the present petitioner will be tested during trial. The petitioner is behind bars for the last more than 4 months and 20 days and the trial is at its initial stage and it will take time for its termination.

7. In the given circumstances, further detention of the petitioner in judicial custody is not going to serve any purpose. In the light of above and without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned. In case, the petitioner is found to be involved or gets involved in any other criminal case while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

23.01.2025
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(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No



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Whether reportable : Yes/No