



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

244

CRM-M-235-2025 (O&M)

Date of decision: January 14th, 2025

Mandeep Singh Deepi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. R.P. Dhir, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail in FIR No.266 dated 26.08.2023 registered under Sections 21, 21-C, 29 of the NDPS Act, 1985, at Police Station Special Task Force Phase-4, Mohali, Distt. STF Wing/S.A.S. Nagar.

2. It has been argued by the learned counsel for the petitioner that a false and fabricated case has been planted upon the petitioner merely on the basis of a disclosure statement allegedly suffered by co-accused Chhinder Pal Singh, from whom a recovery of 360 grams of heroin was made. It has been asserted by the learned counsel that the evidentiary value of the disclosure statement on the basis of which he has been arraigned as an accused in the present case is of a weak nature and thus, on this ground alone, he deserves to be granted the concession of bail, more so when none of the 19 witnesses cited by the prosecution have been examined till date. It has also been contended by the learned counsel that the petitioner is involved only in one other case

under the NDPS Act, however, pendency of the said case should not come in the way of the petitioner being granted the concession of bail as a delayed trial compromises with the constitutional right of the petitioner to a speedy trial.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that although the petitioner was indeed arraigned as an accused in the disclosure statement of co-accused Chhinder Pal Singh, from whom a huge recovery of 360 grams of heroin (classified as commercial under the Act), was made, however, what the counsel for the petitioner has failed to bring to the notice of this Court is that a specific secret information had been received qua the involvement of not only co-accused Chhinder Pal Singh but the petitioner also by the police. While drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, learned State counsel has further asserted that there was a categoric secret information that co-accused Chhinder Pal Singh along with the petitioner was indulging in the sale of narcotic substances i.e. heroin. Learned State counsel has submitted that in the circumstances, the disclosure statement made by the co-accused lent corroboration to the involvement of the petitioner in drug trafficking and this, yet again required to be appreciated in the light of the petitioner's involvement in the following two other cases including a case under the NDPS Act:

1.	FIR No.257 dated 12.09.2022 under Section 21-B of the NDPS Act, P.S. Phillaur, District Jalandhar.
2.	FIR No.371 dated 21.10.2019 under Section 21 of the Mining Act, P.S. Phillaur, District Jalandhar.

4. Learned State counsel has submitted that even as per the secret information, it has been alleged that the petitioner was a habitual

offender. It has also been submitted by the learned State counsel, on instructions, that the petitioner, after being extended the concession of bail in the previous cases including the case under the NDPS Act, had misused the said concession as he had yet again been booked in another criminal case.

5. I have heard learned counsel for the parties and perused the relevant material on record including the FIR, which has been annexed as Annexure P-1.

6. *Prima facie*, the petitioner appears to have a propensity for indulging in criminal activities, particularly under the NDPS Act. The recovery of 360 grams of heroin from the co-accused, classified as a commercial quantity, coupled with the secret information implicating the petitioner in drug trafficking raises a strong suspicion of his involvement in the illegal drug trade. It is significant to note that the petitioner is alleged to be a supplier of the contraband recovered from the co-accused, which aggravates the gravity of his involvement. The contention of the learned counsel for the petitioner regarding weak evidentiary value of the disclosure statement made by co-accused cannot be examined in isolation at this stage, especially when it is *prima facie* supported by corroborative material in the form of secret information received by the police.

7. The alarming rise in drug addiction and trafficking poses a grave threat to society, particularly to its youth. Furthermore, the involvement of the petitioner in yet another case under the NDPS Act during the pendency of a previous case, further disentitles him to be enlarged on bail more so when the case before the trial Court is progressing at a steady pace, with the recording of prosecution evidence

due to commence on 21.01.2025, following the framing of charges just three months back.

8. The instant petition accordingly stands dismissed.
9. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

January 14th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No