



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-M-57366-2024
Date of decision: 02.09.2025

Mandeep Singh @ Deep

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.34 dated 31.03.2024 under Sections 21(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and Section 25 of the Arms Act, 1959, registered at Police Station Sarhali, District Tarn Taran.

2. On the previous date of hearing, the following order was passed :-

“Learned counsel for the petitioner submits that a false and fabricated case has been planted upon the petitioner who along with the co-accused was pillion riding when the police party allegedly stopped and nabbed all the three accused, including the petitioner. It has been contended that even as per the case of the prosecution, the petitioner was not riding the motorcycle nor was he the registered owner of the motorcycle; the recovery of 300 grams of heroin was made from the tool box of the motorcycle which was registered in the name of co-accused Karamjit Singh who was riding the motorcycle at the relevant time. Learned counsel has contended that from the



CRM-M-57366-2024

personal search of the petitioner, no recovery of any contraband was made. A recovery of firearm and four live cartridges was shown to have been made from him. Learned counsel has asserted that the petitioner has never ever been involved in any case under the NDPS Act which lends credence to his innocence in the present case. Still further, it has been submitted that after the challan was presented on 26.09.2024, charges were framed on 14.05.2025, however, ever since then the case was being adjourned repeatedly on account of continuous absence of the prosecution witnesses, who despite having been duly served, had chosen not to appear before the learned Trial Court to get their evidence recorded; on one of the datesailable warrants were issued to secure the presence of the prosecution witnesses but in vain. In support, learned counsel has placed on record copies of zimni orders of the learned Trial Court. A prayer has, therefore, been made to extend the concession of bail to the petitioner.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed that no secret information had been received qua the involvement of the petitioner and the co-accused in drug trafficking. However, it has been asserted that all the three accused, including the petitioner were intercepted and nabbed on suspicion leading to the recovery of 300 grams of heroin (commercial quantity) from the tool box of the motorcycle which was being driven by co-accused Karamjit Singh. Learned State counsel has contended that since all the three accused were travelling together, an inference at this stage could be clearly drawn that the petitioner was well aware about the heroin being transported in the tool box of the motorcycle. Learned State counsel, on being pointedly asked, has however, on instructions not disputed that no recovery of any contraband was made from the petitioner following his apprehension by the police. He, however, submits that the recovery of firearms and four live cartridges were made from the petitioner as well as co-accused Jashanpreet.

On being pointedly asked as to whether the petitioner is booked in any case under the NDPS Act, learned State counsel has replied in the negative.

Learned State counsel has also not been able to dispute, on instructions, the stage of trial as well as the contents of the zimni orders which have been placed on record by learned counsel for the petitioner.

However, learned State counsel prays for a short adjournment to verify as to whether the motorcycle on



CRM-M-57366-2024

which all the three accused, including the petitioner, were travelling, was registered in the name of co-accused Karamjit Singh.”

3. Today, on instructions, learned State counsel has not been able to controvert that the petitioner is not the registered owner of the motorcycle on which he along with the co-accused were found travelling when they were allegedly intercepted by the police.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 31.03.2024. None of the 11 prosecution witnesses have been examined till date after charges were framed on 14.05.2025. As per the record and as also not disputed by the learned State counsel, on instructions, the proceedings before the learned Trial Court have been adjourned for reasons not attributable to the petitioner. The next date of hearing is 17.09.2025 when again some of the prosecution witnesses have been summoned.

6. Be that as it may, in view of the long incarceration of the petitioner coupled with the fact that no recovery of any contraband was made from him, and the other additional facts which have been noticed above, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed



CRM-M-57366-2024

to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

02.09.2025

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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