



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

219

CRM-M-1984-2021  
DATE OF DECISION: 07.05.2025

MANJINDER SINGH @ RANA

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Brijesh Nandan, Advocate for the petitioner(s).  
(through Hybrid Mode)

Mr. J.S. Rattu, DAG, Punjab.

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SANDEEP MOUDGIL, J (ORAL)

1. Prayer

This petition has been filed under Section 439 of Criminal Procedure Code, 1973 for grant of concession of regular bail to the petitioner in case FIR No.302 Dated 17.11.2014 under Section 22/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985, (Annexure P-1), registered at Police Station Patti, Tarn Taran, considering that petitioner is a HIV positive (+ive) patient in the interest of justice.

2. Prosecution story set up in the present case as per the version in the FIR reads as under :-

*'Station House officer Patti Sat Shri Akal, Today I ASI along with HC Ramal Singh 199, HC Sukhdev Singh 99, PHG*



*Balwinder Singh 10018 were going in search of bad elements on private vehicle motorcycles from Dana Mandi going towards Pink Colony, the police party was near kacha path ahead of Pink Colony Patti then one clean shaven person noticing the police party in uniform perplexed and tried to turn back then to whom I/ASI signaled to stop with the assistance of companion got him apprehended and his whereabouts were inquired, then he disclosed his name as Manjinder alias Rana son of Partap Singh resident of ward NO.1 Sangal Basti, Patti now resident of ward NO.2 Garden Colony, Patti, Tehsil Patti, District Tarn Taran. I disclosed that I have suspicion that you are carrying some intoxicant powder, so your search is to be conducted but you have a legal right that you can get your search to be conducted through some Gazetted officer or Magistrate and for the same I can arrange. He stated that I have faith on you, and you can get my search conducted. So a consent memo was prepared and Manjinder Singh signed in Punjabi I witnessed the same before conducting search an attempt was made from passerby on the G.T Road to join the private witness to the party but passerby, but nobody became ready to join the party. Accordingly I/ASI set the search of Manjinder Singh above mentioned in motion, from his wearing trouser and from his right pocket intoxicant powder wrapped in polythene bag was recovered, intoxicant powder was sealed and a separate sample parcel of 10/10 grams was prepared and packed in a plastic container (Dabhi) and remaining intoxicant powder was packed and on weighting it on electronic scale was found 80 grams same was packed in separate plastic box sealed by my seal K.S and Form M-29 was filled at the spot and all three parcel plastic boxes were taken in possession, Seal after use was handed over to HC Hasal Singh 199. Manjinder Singh alias Rana by keeping in possession of 100 grams intoxicant powder has committed offence under 22/61/85 of NDPS Act, after writing a ruqa is being sent to the police station through PHG Balwinder Singh 10018. After registration of case, the FIR*



*number may be informed. Information may be given to police station through wireless message. Special reports may be issued to senior officers. I alongwith companion officials are busy in further investigation at the spot Sd/-Karamjit Singh ASI P.S Patti, dated 17.11.14. In the area of near Kachha Rasta Pink Colony at 2:15 PM.'*

3. **Contention**

**On behalf of the petitioner**

Learned counsel for the petitioner submits that the alleged recovery of 100 grams of intoxicant powder made from the petitioner is in violation of the Section 50 of the NDPS Act. He further submits that earlier he was granted regular bail, however, due to some unavoidable circumstances he could not appear before the Trial Court due to which he was declared PO in the year 2017 and his surety/bail bonds were cancelled. It is further submitted that he is in custody since 11.05.2020 and is a HIV (+ive) patient, therefore, some leniency be shown towards him.

**On behalf of the State**

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He submits that though the recovery made in the present case is non-commercial in nature but the petitioner does not deserve the concession of regular bail as he is a habitual offender and is involved in five other FIRs and the trial is moving at the reasonably good pace and therefore, the petitioner is not entitled to be released on regular bail at this stage.

4. **Analysis and conclusion**

In the present case, though the recovery made from the petitioner is non-commercial in nature but the conduct of the petitioner



does not inspire the confidence of this Court as earlier also, the petitioner was granted concession of regular bail in the present FIR and he failed to appear before the Trial Court, resultantly, cancelling his surety/bail bonds.

Furthermore, the petitioner's criminal history, marked by involvement in five other cases, raises serious concerns about the likelihood of reoffending. There is a distinct possibility that, if granted bail, the petitioner will once again partake in this unlawful enterprise. To grant bail at this stage would, in effect, subtly convey a tacit endorsement or unintentional encouragement of such nefarious activities.

In the light of above discussions made and the modus operandi of the kingpins engaged in illicit activities, whether trafficking in small or intermediate quantities, must be met with unwavering resolve and stringent action. The intent of the legislature and the sanctity of the rule of law must be upheld at all costs, and cannot be allowed to be undermined, regardless of the quantity involved.

Hence, the same stands dismissed with no order as to costs.

**(SANDEEP MOUDGIL)**  
**JUDGE**

**07.05.2025**  
*anuradha (a)*

*Whether speaking/reasoned*  
*Whether reportable*

*Yes/No*  
*Yes/No*