

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-27391-2015

Date of Decision: December 18, 2015

Mandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI**

Present: Mr. Harkeerat Singh, Advocate,  
for the petitioner.

Mr. K.S. Pannu, DAG, Punjab,  
for the respondent.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

**NARESH KUMAR SANGHI, J (Oral)**

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of bail to the petitioner, Mandeep Singh, son of Hardial Singh, resident of village Lohat Baddi, Tehsil Raikot, District Ludhiana, who has been booked for having committed the offences punishable under Sections 15, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, 'the NDPS Act'), in a case arising out of FIR No. 150, dated 23.11.2013, registered at Police Station, Chhajli, District Sangrur.

Learned counsel contends that it is an admitted position that at the time of recovery of the alleged poppy husk, the petitioner was not present at the spot. He further contends that the only allegation against the petitioner is that the truck from which the alleged contraband was recovered, was owned by him, but the said fact is falsified from the affidavits executed by Avtar Singh, registered owner, and Pavittar Singh, brother of the petitioner, who purchased the truck. He further contends that merely on the basis that the petitioner is brother of Pavittar Singh, the alleged purchaser of the truck, he (petitioner) has been involved in the present case and languishing in the jail from 15.9.2014. He further contends that the brother of the petitioner is also behind the bars in the present case.

Learned counsel for the State has not controverted the fact that at the time of recovery of the alleged poppy husk, the petitioner was not present at the spot. He further fairly concedes that Pavittar Singh, brother of the petitioner, has been arrested in the present case since he is owner of the truck. He, however, submits that in the affidavit executed by Pavittar Singh, it was averred that the truck was purchased by him, i.e. Pavittar Singh and the petitioner, Mandeep Singh and both of them were to own

responsibility in any difficulty.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

The fact that the petitioner was the owner of the truck from where the alleged poppy husk was recovered, would be a moot point during trial. The petitioner is behind the bars for the last one year and three months. Pavittar Singh, the person who had executed an affidavit at the time of purchase of the said truck, is behind the bars.

In view of totality of facts and circumstances of the case, the present petition is accepted. The petitioner, Mandeep Singh, son of Hardial Singh, resident of village Lohat Baddi, Tehsil Raikot, District Ludhiana, is ordered to be released on bail during pendency of the trial of the present case, subject to his furnishing bail bonds to the satisfaction of learned Judge, Special Court, Sangrur.

**(NARESH KUMAR SANGHI)**  
**JUDGE**

**December 18, 2015**  
Pkapoor