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

CRM-M-33041 of 2015

Date of Decision: October 05, 2015.

Mangal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Kulbir Sekhon, Advocate
for the petitioner.

Mr. R.P.S. Sidhu, AAG Punjab.

SABINA, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in FIR No.74 dated 21.12.2011, under Section 15 of the Narcotic Drugs and Psychotropic Substance Act, 1985 ('Act' for short), registered at Police Station Malout, District Sri Muktsar Sahib.

As per the prosecution case, petitioner and his co-accused were indulging in sale of poppy-husk. On the basis of secret information, house of co-accused Veer Singh alias Lodhi was raided and 120 kilogram poppy-husk was recovered.

Learned counsel for the petitioner has submitted that the petitioner was not arrested at the spot. Petitioner is in custody for the last three years. Vide order dated 16.02.2015 in earlier bail petition filed by the petitioner, this Court had directed that the trial Court should dispose of the trial expeditiously. However, trial had not been disposed of so far. In fact, one of the co-accused of the petitioner was declared a proclaimed offender and after his arrest, now

fresh trial has commenced.

Learned State counsel on the other hand has opposed the petition.

On a query put by this Court, learned State counsel who is assisted by Assistant Sub Inspector Gurmit Singh has submitted that petitioner is not involved in any other case under the Act.

In the present case, petitioner is in custody since 02.10.2012. So far as recovery of the contraband is concerned, the same was effected from the house of co-accused Veer Singh alias Lodhi. Petitioner was not present in the house of co-accused Veer Singh alias Lodhi at the time of recovery of the contraband. Since now one of the co-accused who had been declared a proclaimed offender has been arrested, conclusion of trial may take time.

Keeping in view the fact that the petitioner was not arrested at the spot nor recovery in question was effected from his premises and the fact that petitioner is in custody for the last three years, it would be just and expedient to order the release of the petitioner on bail.

Accordingly, without expressing any opinion on merits on the case, this petition is allowed. Petitioner be admitted to bail, subject to the satisfaction of the Chief Judicial Magistrate, Sri Muktsar Sahib.

**(SABINA)
JUDGE**

October 05, 2015
mahavir