

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

**CRM-M-2670-2019
Date of decision: 25.01.2019**

Mankaran Singh @ Manna

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Parvez Akhtar, Advocate for
Mohd. Yousaf, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 53 dated 23.04.2018, under Section 22/61/85 of the NDPS Act, registered at Police Station Goraya, District Jalandhar.

Learned counsel for the petitioner submits that in a short span of time, three FIRs were registered against the petitioner. The first FIR bearing No. 51 dated 22.04.2018 was registered under Sections 341, 323, 506, 148, 149 of the IPC at PS-Goraya. The second FIR bearing No. 52 dated 23.04.2018 was registered under Sections 341, 323, 506, 148, 149, 307 of the IPC at the same police station and the third FIR bearing No. 53 dated 23.04.2018 (present FIR) was registered under Section 22 of the NDPS Act at the same police station.

Learned counsel for the petitioner further submits that on the day, when the petitioner was involved in the present FIR, the aforesaid FIR

No. 52 was also registered against him in the same police station which raises doubt about the recovery effected from the petitioner.

It is further argued that recovery was not effected in the presence of a Gazetted Officer or a Magistrate and the alleged contraband, recovered from the petitioner, is 122 grams which is marginally higher than the non-commercial quantity.

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 26.04.2018 and the case is still at the stage of recording the statement of prosecution witnesses and only two prosecution witnesses have been examined so far.

Learned State counsel, on the basis of custody certificate filed today in Court and on instructions from SI Atmajit Singh, could not dispute the factual position about registration of other FIRs.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the petitioner and also keeping in view the custody period of petitioner, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail bonds and two sureties to the satisfaction of the trial Court/Duty Magistrate, concerned.

January 25, 2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No