

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

CRM-M-20287 of 2019

Date of Decision:09.05.2019

Manpreet Singh @ Bhagu

....Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ferry Sofat, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for seeking bail pending trial in case FIR No. 40 dated 18.03.2019, under Sections 22 & 58(2) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), under Section 61 of the Punjab Excise Act, 1914 and Section 195 of the Indian Penal Code registered at Police Station Boha, Mansa.

Learned counsel for the petitioner submits that the petitioner is in custody since 18.03.2019 and the alleged recovery of the contraband is less than commercial in nature and that too not from the petitioner; rather recovered from sewerage in front of house of one Gagandeep Singh. Also contends that FSL report is yet to be received.

The above factual position is duly acknowledged by learned State counsel on instructions from the police official present in the Court.

Custody certificate of the petitioner has been filed in the Court today. The

same is taken on record.

Heard learned counsel for the parties and perused the paper book.

Since the recovery is non-commercial and not effected from the petitioner; rather from a public place and keeping in view the fact that the trial is likely to take a long time to be concluded, no useful purpose would be served by keeping the petitioner behind the bars any more.

Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Manpreet Singh @ Bhagu be admitted to bail on his furnishing bail bonds and heavy surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

However, it is clarified that in case there is recurrence on the part of the petitioner then the prosecution would be at liberty to move an application for recalling of the order.

It is made clear that the disposal of the present petition may not be construed as an expression of opinion on the merit of the case.

[MAHABIR SINGH SINDHU]
JUDGE

May 09, 2019
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no