

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

**CRM-M No.32221 of 2019 (O&M)  
Date of Decision: 04.12.2019**

Mandeep Kumar @ Bunty

..... Petitioner

*Versus*

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

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

Mr. V.G.Jauhar, Sr. DAG, Punjab for the respondent/State.

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**MAHABIR SINGH SINDHU, J. (Oral)**

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in case bearing FIR No.0264 dated 25.12.2018, under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*), registered at Police Station City Moga, District Moga.

Contentends that petitioner is in custody since 25.12.2018 and alleged recovery of the contraband is non-commercial. Also contends that there is no other criminal case against the petitioner and out of total 13 prosecution witnesses, only 03 have been examined till date.

The above factual position is duly acknowledged by learned State Counsel, on instructions from A.S.I. Gurjinder Singh, but opposed the present bail application.

Heard both sides and perused the paper-book.

Since petitioner is in custody since 25.12.2018; recovery is non-commercial; investigation is already over; no other criminal case is pending

against him and in view of the fact that provisions of Section 37 of the NDPS Act would not be attracted to the present case, therefore, further incarceration of the petitioner would not serve any purpose. Consequently, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

December 04, 2019  
Gagan

(MAHABIR SINGH SINDHU)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |