

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

**CRM-M No. 32965 of 2019
Date of Decision:-14.08.2019**

Mohinder Singh @ Titoo

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Prince and Gurpreet (son and nephew of petitioner) in person.

ASI Gurdeep Singh, P.S. City, Barnala, in person.

MANOJ BAJAJ J.(Oral)

Petitioner Mohinder Singh @ Titoo has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.388 dated 10.9.2018, under Section 61 (Act No.1) of the Punjab Excise Act, 1914 [later on offence under Section 20 (Act No.61 of 1985) of NDPS Act, 1985 added and Section 61 of Punjab Excise Act, 1914 deleted], registered at Police Station City Barnala, District Barnala. The petitioner is in custody since 04.7.2019.

As per prosecution version, on 10.9.2018, when the police party was going in a Government vehicle No.PB-02AB-0447 for checking of suspected persons and reached on Bajakhana Road, Barnala to link road towards the Kothe of Phindia at about 6.00 pm, a person was seen coming

from the front side having a heavy plastic bag on his head. When the said person was stopped on the basis of suspicion, he told his name as Mohinder Singh @ Titoo (petitioner) and on checking of the plastic bag, dried leaves of Bhang were recovered without any permit or license. On weighment, same was found 22 Kilograms and 250 grams.

Perusal of the file reveals that earlier the petitioner was released on bail vide order dated 28.9.2018, passed by the Additional Sessions Judge, Barnala. After filing of FSL report, vide DDR No.33 dated 30.6.2019 the offence under Section 61 of the Punjab Excise Act was deleted and the offence under Section 20/61/85 of NDPS Act was added. The petitioner was again arrested on 04.7.2019. It is further pleaded that trial of the case is likely to take long time and no useful purpose will be served by keeping the petitioner behind the bars. It is also mentioned that after granting the bail by the Sessions Court, the petitioner never misused the same and no other case is pending against him.

On the other hand, ASI Gurdeep Singh has opposed the prayer on the ground that the offence is serious in nature. However, it is not disputed that earlier FIR was registered only for the offence punishable under the Excise Act.

Heard.

Considering the fact that the petitioner was granted bail by the Sessions Court vide order dated 28.9.2018 and he never misused the said concession, which was for a period of more than 10 months as well as the fact that the trial is likely to consume some time, further detention of the

petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Barnala.

The petition is allowed.

August 14, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No