

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

CRM-M No.1009 of 2020 (O&M)

Decided on: 20.01.2020

Mandeep Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. A.P.S. Gill, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioners under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.45 dated 22.09.2018, for offence punishable under Sections 22/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station Lakhewali, District Sri Muktsar Sahib.

The first petition seeking bail to the petitioner was dismissed as withdrawn on 08.04.2019.

Counsel for the petitioner submits that this second petition has been filed considering the long custody of the petitioner, which is 01 year and 03 months as on today.

Counsel for the petitioner has relied upon the order dated 17.12.2019 passed by this Court in CRM-M No.9552 of 2019 granting regular bail to the co-accused of the petitioner namely Salinder Singh

@ Chhinda and Sarabjit Singh @ Gaggu, which reads as under:-

“The first petition of the petitioner – Sarabjit Singh @ Gaggu was dismissed as withdrawn on 08.04.2019 and since the petitioner – Sarabjit Singh @ Gaggu has undergone the substantive sentence of more than 01 year, the present 2nd petition has been filed.

Counsel for the petitioners have argued that as per the allegations in the FIR, the IO/Inspector received an information that Pardeep Kumar @ Puppy is indulged in the business of selling intoxicant tablets and he has joined the co-accused Mandeep Singh in the investigation. It is further stated in the FIR that by taking the intoxicant tablets from Pardeep Kumar @ Puppy and keeping the same in his Innova car, they are supplying the same to the customers of the surrounding village. Later on, the police stopped a car and the driver of the same told his name as Mandeep Singh whereas the second person told his name as Salinder Singh @ Chhinda and the third person told his name as Sarabjit Singh @ Gaggu. Thereafter, after giving a notice under Section 50 of the NDPS Act to the accused, the search of the car was conducted and 30,000 intoxicant tablets were recovered in the presence of a Gazetted Officer.

Counsel for the petitioners have further argued that Pardeep Kumar @ Puppy has already been granted the concession of anticipatory bail by this Court on 19.12.2018 passed in CRM-M No.44934 of 2018. It is further argued that the petitioner – Salinder Singh @ Chhinda is in custody since 22.09.2018 whereas both the accused i.e. Salinder Singh @ Chhinda and Sarabjit Singh @ Gaggu were arrested on 24.09.2018 and the case is still at the stage of recording of the prosecution evidence.

Counsel for the petitioners have further submitted that the petitioner – Salinder Singh @ Chhinda is not involved in any other case as per the affidavit of the SHO/Inspector, Police Station Sadar Sri Muktasar Sahib whereas the petitioner – Sarabjit Singh is involved in one more case, however, he is on bail in the said case.

Counsel for the State, on instructions from SI Surjit Singh, has not disputed the fact that the case is still at the stage of recording the evidence of the prosecution witnesses and only 04 PWs out of 20 PWs have been examined so far.”

Counsel for the petitioner has further submitted that the petitioner is not involved in any other case and till date, only 08 PWs have been examined out of 20 PWs.

Counsel for the State has filed the Custody Certificate today in the Court and as per the Custody Certificate, the petitioner has undergone 01 year and 03 months and 24 days of total sentence and he is not involved in any other case.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 24.09.2018; the co-accused of the petitioner have already been granted the concession of regular bail; the petitioner is not involved in any other case and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

20.01.2020
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No