

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

209

**CRM-M-13675-2020
Date of Decision : 16.06.2020**

Mandeep Singh @ Mota

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J. (Oral)

The case has been taken up for hearing through video-conferencing.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.95 dated 01.04.2020 registered under Sections 307, 489-A, 489-B, 489-C, 489-D read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') and Sections 21, 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station City Kapurthala, District Kapurthala.

Briefly stated the case of the prosecution against the petitioner is that on 01.04.2020 four persons namely Ajay Kumar, Lovejot Singh, Arsh Saini and Dharminder travelling in white colour I-20 car bearing registration No. PB-08-DV-1554 were apprehended by police party headed by ASI Harinder Singh and recovery of heroin weighing 5 gms each was made from accused Ajay Kumar and Arsh

Singh while recovery of 12 intoxicating injections was made from accused Lovejot Singh and recovery of 24 fake currency notes of the denomination of Rs.500/- was made from accused Dharminder. During investigation names of accused Himanshu, Naman Kumar, Honey and Mandeep Singh @ Mota (the petitioner) were disclosed by the above-said accused in their disclosure statements. Recovery of two fake currency notes of the denomination of Rs.500/- was made from accused Naman Kumar while 16 fake currency notes were recovered from accused Honey and recovery of fake currency notes of the total denominated value of Rs.15,000/- was made from the petitioner.

The petitioner has filed the present petition for grant of regular bail which has been opposed by learned State Counsel.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case on the basis of disclosure statements of co-accused. The petitioner was not arrested on the spot. No recovery was made from the petitioner. The petitioner has been falsely involved in two other cases under the NDPS Act but he is on bail in both the cases. Trial is likely to take long time and no useful purpose will be served by keeping the petitioner in custody. All his co-accused have been granted bail. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has argued that the petitioner is a habitual offender and is involved in two other cases under the NDPS Act. In view of gravity of accusation, the petitioner does not

deserve grant of regular bail and the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, parity of his case with that of his co-accused who have been granted bail by the trial Court and the fact that the trial is likely to take long time but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

However, the petitioner is granted regular bail subject to the condition that he shall not commit any similar offence and in case of commission of similar offence by him in future his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

16.06.2020

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(ARUN KUMAR TYAGI)
JUDGE

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