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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.2186 of 2021(O&M)

Date of Decision: 21.01.2021

Mangaldeep @ Monty

.....Petitioner

Vs

State of UT Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Manoj Kumar, Advocate
for the petitioner.

Mr. Ashu Mohan Punchhi PP, UT, Chandigarh with
Mr. Anupam Bansal, Advocate
for the respondent/UT Chandigarh.

RAJ MOHAN SINGH, J.(Oral)

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

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.0080 dated 02.05.2020 registered under Section 21 of the NDPS Act and Section 188 IPC at Police Station Maloya, Chandigarh.

Petitioner was apprehended with 10 grams of heroin.

Learned counsel for the petitioner submitted that the petitioner was apprehend under suspicion of theft and violation of curfew during COVID-19. The alleged recovery was non-commercial in nature. Petitioner is in custody since 02.05.2020.

Per contra, learned PP UT Chandigarh opposed the bail on the ground that recovery was effected from the petitioner. Since it was a case of chance recovery, therefore, the police had acted lawfully in nabbing the accused, who was found in possession of the contraband in a black polythene. Challan has already been presented and the petitioner has antecedent behaviour of criminal activities as he has already been convicted in a case under NDPS Act at Mohali.

Heard learned counsel for the parties.

Keeping in view the nature of contraband recovered, I deem it appropriate to enlarge the petitioner on regular bail, without meaning anything on merits of the case at this stage.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

January 21, 2021
Prince

Whether speaking/reasoned Yes/No

Whether reportable Yes/No