

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

**CRM-M-3684-2021
Date of decision: 13.08.2021**

Mandeep Singh @ Deepa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Gursimran Singh, Advocate
for the petitioner.

Mr. P. S. Walia, AAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 58 dated 07.07.2020, registered under Sections 22, 29, 61, 85 of the Narcotic Drugs & Psychotropic Substances Act at Police Station Mehna, District Moga.

Learned counsel for the petitioner submits that the FIR was registered on receiving a secret information with the allegations that petitioner and co-accused Sukhdev Singh @ Makhan are indulged in selling intoxicant tablets in the area of Police Station Mehna. Both the accused were apprehended and after sending *ruqa* to the Police Station, recovery of 2000 tablets of Clovidol 100-SR was effected from the petitioner.

Learned counsel further submits that co-accused of the petitioner, namely Sukhdev Singh @ Makhan, has already been granted concession of regular bail by this Court, vide order dated 06.04.2021 passed

in CRM-M-3689-2021 considering the fact that he was not involved in any other case; challan stood presented and he was no more required for further investigation.

Learned counsel further submits that petitioner, in the present case, is in judicial custody for the last about 01 year and 01 month; challan stands presented on 01.10.2020, however, till date, even the charges have not been framed as the trial is delayed due to COVID-19 situation in the country.

Learned State counsel has filed the custody certificate, as per which, the petitioner is in judicial custody for the last 01 year and 01 month and he is not involved in any other case and he is a first offender.

Learned State counsel could not dispute that charges are not yet framed and conclusion of trial will take a long time.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts and circumstances and also in view of the fact that it will be a matter of trial whether proper procedure under Section 42 of the NDPS Act was followed or not and also considering the fact that co-accused of the petitioner has already been granted concession of regular bail by this Court as noticed above, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

13.08.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*