

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

(Sr. No. 215)

CRM-M No. 12479 of 2019

Date of decision : 06.12.2021

Mandeep Singh @ Soni

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. S. S. Sidhu, Advocate for the petitioner.

Mr. S. K. Khurana, DAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No. 156 dated 20.06.2018 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 61 of the Punjab Excise Act, 1914, at Police Station Talwandi Sabo, district Bathinda.

The petitioner is being prosecuted for having been found in illegal possession of 659 grams of Tramadol and 78 grams of Alprazolam.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner has no other criminal case pending against him; he has suffered custody for over one year; in the petitioner's trial for the last over two years and ten months the State has not produced even one prosecution witness; under orders of this Court dated 24.05.2019 the petitioner was released on interim bail and continues to be so

even today; the period of interim bail has not been misused by the petitioner and that since in the petitioner's trial none of the prosecution witness has been examined, the petitioner's trial will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he was found in illegal possession of 659 grams of Tramadol and 78 grams of Alprazolam.

The petitioner has suffered incarceration for over one year; under orders of this Court the petitioner was released on interim bail over two and a half years ago and he has not misused such concession; the petitioner has no other criminal case pending against him; the record reveals that for the last over two years and ten months the State has not produced even one witness for which the petitioner is not to be blamed and the petitioner's trial in which no prosecution witness has been examined is likely to take long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Bathinda the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

06.12.2021*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No