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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-22887-2021

Date of Decision: 29.06.2021

Mangal Singh @ Mammu @ Mangoo

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ashish Aggarwal, Advocate for the petitioner.

Ms. Monika Jalota, Deputy Advocate General, Punjab
assisted by S.I. Mukhtiar Singh.

AVNEESH JHINGAN, J (Oral):

[1] The matter is taken up for hearing through video conference due to COVID-19 situation.

[2] This is a petition under Section 439 of Cr.P.C. seeking regular bail in FIR No. 34, dated 30th June, 2019, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [hereinafter 'the Act'], registered at Police Station Verowal, District Tarn Taran.

[3] During route checking on 30th June, 2019, the petitioner was apprehended and found in possession of 260 grams of intoxicating powder, later found to be Tramadol.

[4] Mr. Ashish Aggarwal, learned counsel for the petitioner submits that petitioner is in custody since 30th June, 2021, investigation is complete, challan stands presented and recovery is marginally higher

to make it commercial quantity. The contention is that 260 grams includes weight of polythene also. He argues that petitioner is not involved in any other case under the Act.

[5] Ms. Monika Jalota, Deputy Advocate General, Punjab, on instructions from S.I. Mukhtiar Singh, opposes the regular bail and submits that recovery made is commercial. She fairly submits that challan was presented on 4th September, 2020 and petitioner is in custody since 30th June, 2019.

[6] The commercial quantity of Tramadol is 250 grams and in the present case the recovery is marginally higher and includes weight of polythene also. Considering that investigation is complete; challan stands presented; no recovery is to be made; there is not much progress in the trial in spite of filing of challan; trial of the case would likely to take time and no useful purpose would be served by keeping the petitioner in custody, the petitioner is granted bail. The bail would be subject to furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

[7] The petition is disposed of.

[8] It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

29th June, 2021
pankaj baweja

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No