

218

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

**CRM-M-23959 of 2021
Date of Decision: 02.07.2021**

Mandeep Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Sandeep Kumar, Dy.AG, Punjab.

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.0040 dated 17.03.2021, registered under Section 21(b)/29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Kotbhai,

District Sri Muktsar Sahib.

FIR was registered with the background that when three boys riding a motorcycle were stopped by the police party, they tried to turn back and their motorcycle got slipped. All the boys were apprehended on the basis of suspicion. 10 grams of Heroin was recovered from Maan Singh, 20 grams of Heroin was recovered from Krishan Singh and 20 grams of Heroin was recovered from Ranjit Singh. Petitioner was nominated in the disclosure statements of the aforesaid three co-accused. After the disclosure statements, raid was conducted at the alleged house of Mandeep Singh (petitioner) and he was not found present there. From the alleged house of Mandeep Singh (petitioner) 260 grams of Heroin was allegedly recovered. Petitioner filed petition bearing CRM-M-15240 of 2021 for grant of anticipatory bail in which interim protection was not granted and in the meanwhile the petitioner was arrested on 20.04.2021. Virtually CRM-M-15240 of 2021 has become infructuous. In the said petition the stand of the petitioner was that the house does not belong to him, rather it belongs to his father who has already disowned him. Nothing was recovered from the petitioner. Co-accused namely, Maan Singh, Krishan Singh and Ranjit Singh have been granted regular bail by the High Court in different petitions. Two of such orders were passed on 21.05.2021.

According to learned counsel for the petitioner, firstly, the alleged recovery was not effected from the petitioner, secondly, even if the recovery was effected from the house of the petitioner, the same was marginally in excess of the quantity prescribed under commercial category.

According to the prosecution case, the petitioner was not found present in the house.

On the other hand, learned State counsel has opposed the regular bail on the ground that infact the house belongs to the petitioner and the alleged plea of disowning the petitioner by his father is a farce. The petitioner is having antecedent behaviour of criminal activity as he is involved in three more cases under NDPS Act and one case under IPC.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

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.

July 2, 2021

Shivani Kaushik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No