

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

211

**CRM-M-26276-2020**  
**Date of decision: 14.09.2021**

**Mang Singh @ Mangu****...Petitioner**

**Versus**

**State of Haryana****...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Vikas Bishnoi, Advocate  
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

(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. 113 dated 29.03.2020, registered under Section 22(C) of the Narcotic Drugs & Psychotropic Substances Act, 1985 (*for short 'the Act'*) at Police Station Sadar Fatehabad, District Fatehabad.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of ASI Rahul, it is stated that when he, along with other police officials, was on patrol duty, a young boy was seen walking very fast and on seeing the police party, he became nervous and a polythene bag, which he was carrying, slipped from his right hand and strips of medicines were seen spreading out of the said polythene

bag. On suspicion, he was apprehended and on inquiry, he disclosed his name as 'Mang Singh @ Mangu' i.e. the present petitioner. On checking the bag, 60 strips of intoxicant capsules Redley Tramadol Parorin-Spas were found. Each strip was containing 10 capsules, total of which comes to 600 capsules and on weighment, the total weight along with polythene was found to be 502 grams.

Learned counsel further submits that a bare perusal of the FIR would show that neither any effort was made to give a notice under Section 50 of the Act nor any information was sent either to police station or to any higher officer under Section 42 of the Act after apprehending the petitioner and the recovery was effected. Thereafter, after completing the entire procedure at the spot, an information was sent to police station.

Learned counsel further submits that petitioner is a first offender; he is in judicial custody for the last 01 year, 03 months and 02 days and the prosecution evidence is yet to start.

Learned State counsel has filed the custody certificate, as per which, the petitioner is in judicial custody for the last 01 year, 03 months and 02 days and he is not involved in any other case.

Learned State counsel submits that the next date before the trial Court is 17.09.2021 for recording the statement of prosecution witnesses.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is in long custody; he is not involved in any other case and also in view of the fact that it will be a matter of trial whether proper procedure was followed or not during investigation; 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/Illaqa Magistrate, concerned.

14.09.2021

*Waseem Ansari*

(ARVIND SINGH SANGWAN)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*