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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3953-2022

Date of decision: 07.02.2022

MANGU KUMAR ALIAS MANGAT KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Joginder Pal Devgan, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, 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. 0252 dated 23.10.2020, registered under Sections 22, 29 (added later on) of the NDPS Act at Police Station City Patti, District Taran Tarn, Punjab.

Learned counsel for the petitioner submits that as per allegations in the FIR, it is stated that the police arrested one Vikas Kumar and recovered 3,000 intoxicant tablets from him. Thereafter, the police recorded the disclosure statement of aforesaid Vikas Kumar, who stated that he has acquired the same from the present petitioner.

Learned counsel for the petitioner further submits that the petitioner is not involved in any other case and has no such history of involvement in any case.

Learned State counsel does not dispute the factual position that the petitioner was nominated on the disclosure statement of Vikas Kumar as well as the fact that after the arrest of the petitioner, no recovery was effected from him.

Learned State counsel also does not dispute that the petitioner is not involved in any other case and has filed custody certificate in Court today and as per the same, petitioner is in judicial custody for the last about 04 years and 14 days.

I have heard learned counsel for the parties.

Without commenting anything on the merits of the case and considering the aforesaid submissions of learned counsel for the parties and also in view of the judgments rendered in *Tofan Singh vs. State of Tamil Nadu, (2021) 4 SCC 1* and *State By (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr. 2022 Live Law (SC) 69*, the present 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.

(ARVIND SINGH SANGWAN)
JUDGE

07.02.2022
Chetan Thakur

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No