

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 18.04.2022

1. CRM-M-6777-2022 (O&M)

Mandeep Singh

... Petitioner

Vs.

State of Punjab

... Respondent

2. CRM-M-6824-2022 (O&M)

Bhagwant Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Yashpal Thakur, Advocate
for the petitioner (in both cases).

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in both these petitions is for grant of regular bail to
petitioners Mandeep Singh and Bhagwant Singh, in FIR No.66 dated
27.08.2018 under Section 22 of NDPS Act and Section 29 of NDPS Act (added

later on), registered at Police Station Badali Ala Singh, District Fatehgarh Sahib.

CRM-M-6777-2022, filed by petitioner Mandeep Singh, is 3rd **petition**, as first petition was disposed of vide order dated 01.02.2021, granting interim bail and second petition was dismissed as withdrawn on 28.06.2021.

CRM-M-6834-2022, filed by petitioner Bhagwant Singh, is 4th **petition**, as first petition was dismissed as withdrawn on 27.07.2019; second petition was disposed of vide order dated 08.01.2021, granting interim bail and third one was also dismissed as withdrawn vide order dated 28.06.2021 with liberty to the petitioner to approach the trial Court.

Learned counsel for the petitioners submits that as per allegations in the FIR, registered at the instance of ASI Major Singh, while on patrol duty, he noticed a car and on suspicion, it was signalled to stop. The driver disclosed his name as Bhagwant Singh @ Bant and the person sitting on co-driver seat told his name as Mandeep Singh. Thereafter, the Investigating Officer gave them a notice to be searched before a Gazetted Officer or a Magistrate, on which they gave their consent to be searched before a Gazetted Officer. DSP Navdeep Kaur came at the spot and she gave an offer to be searched before a Magistrate. Later on, recovery of 11940 tablets of Lomotil was effected. It is further submitted that offer given by the DSP was partial and it will be a matter of trial whether it amounts to compliance of Section 50 of NDPS Act or not. It is also submitted that both the petitioners are first offenders and they are in custody for the last about 02 years and 07 months.

Learned counsel has next submitted that the petitioners were

granted the concession of interim bail due to COVID-19 situation and after obtaining the same, they have surrendered back before the trial Court and have not misused the same. It is also submitted that it will take some time in conclusion of the trial due to heavy pendency of the cases.

Learned State counsel, on the basis of custody certificates filed in the Court today, could not dispute the factual position, however, it is submitted that out of total 14 prosecution witnesses, only 03 PWs have been examined.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, both these petitions are allowed and petitioners Mandeep Singh and Bhagwant Singh are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

A photocopy of this order be placed on the file of connected case.

[ARVIND SINGH SANGWAN]
JUDGE

18.04.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No