

In the High Court of Punjab and Haryana at Chandigarh

223

**CRM-M-31862-2021 (O & M)
Date of Decision: January, 05, 2022**

MANGAL @ MANGA

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Harpreet Singh Dandiwal, Advocate for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

Case taken up through video conferencing.

The petitioner is seeking regular bail in FIR No.90 dated 05.04.2021, under Sections 21(b)/61/85 of the NDPS Act (Section 27-A/61/85 of the NDPS Act added later on), registered at Police Station Sadar Fatehabad, District Fatehabad.

Learned counsel for the petitioner contends that the petitioner has been arraigned as an accused on the statement of Balwinder Singh @ Gyani from whom 7.30 grams of heroin was recovered, which is slightly above the threshold of 05 grams of small quantity. No recovery has been effected from the petitioner in the instant case. He has been implicated in the instant case because he is involved in other cases under the NDPS Act pertaining to the recovery of non-commercial quantity, as the petitioner is probably a drug addict. He is in custody for over 07 months. He further contends that co-accused Balwinder Singh @ Gyani has been granted the concession of regular bail by this Court in CRM-M-26454-2021 on 22.09.2021.

Learned State counsel upon instructions from ASI Gurpal Singh, contends that the petitioner is involved in several other cases. She is, however, not in a position to controvert the submission of the learned counsel for the petitioner that no recovery has been effected from the petitioner while recovery of only 7.30 grams heroin was effected from the co-accused. She states that the challan has been filed.

Heard.

In view of the above, especially when no recovery has been effected from the petitioner, he is in custody for over 07 months, co-accused has been granted bail, Covid 19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

At the time of release of the petitioner, the SHO, Police Station Sadar Fatehabad, District Fatehabad shall be informed and the petitioner shall furnish his mobile number to him and keep the location of his phone on. He shall appear before the Police Station Sadar Fatehabad, District Fatehabad on every alternate Monday till the conclusion of the trial.

(ANUPINDER SINGH GREWAL)
JUDGE

January, 05, 2022
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No