

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

Date of decision-08.02.2022

**1. CM-986-2022 in/and
CRM-M-41882-2021**

Mangu Singh

....Petitioner

Vs.

State of Punjab

...Respondent

**2. CRM-992-2022
CRM-M-41887-2021**

Dari Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Arihant Jain, Advocate for the petitioners.
Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

CRM-986-2022 and CRM-992-2021

These applications are for pre-poning the date of hearing of the main petition to an early date.

Notice in the applications.

At this stage, Mr. Ramdeep Partap Singh, DAG, Punjab accepts notice on behalf of the respondent-State and does not oppose the prayer.

Applications are allowed and date of hearing is pre-poned to today.

Main case

Petitioners have filed these separate petitions under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.94 dated 18.07.2021 under Sections 20, 22 and 25 Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 NDPS added later on) registered at Police Station Dhanaula, District Barnala. The petitioners are in custody their arrest on 18.07.2021.

The FIR was registered on the basis of a secret information and the allegations as noticed by the Learned Judge, Special Court, Barnala in the order dated 25.08.2021 are as under:

“As per the prosecution version, on the receipt of secret information against Dari Singh accused/non-applicant, Mangu Singh and Manju Rani accused/applicants and FIR was got registered against them. Then further investigation was carried out by SI Harsimranjit Singh and he has apprehended the above said three accused persons and from the possession of Dari Singh accused/non-applicant and Mangu Singh accused/applicant 1340 loose intoxicant tablets of white colour and from the possession of accused/applicant Manju Rani 2 kg 300 gram Ganja were recovered. That this recovery of 1340 intoxicant tablets and Ganja of 2 kg 300 gram was recovered at a one spot and all the accused persons were apprehended at the spot jointly.”

Learned counsel for the petitioners has argued that as per prosecution, 1340 intoxicant tablets and 2 kilo 300 grams ganja was recovered from three accused persons and co-accused of the petitioners, namely, Manju Rani has already been released on regular bail vide order dated 21.12.2021 (Annexure A-1). Learned counsel has argued that as the case of the prosecution is common in respect of all the three accused persons and investigation is also complete, therefore, the petitioners be also released on regular bail.

On the other hand, learned State counsel assisted by SI Hardeep

has opposed the prayer, who has argued that the quantity of 2 kilo and 300 grams ganja recovered from the bag held by co-accused Manju Rani, would fall in non-commercial quantity, whereas these two petitioners were having 1340 intoxicant tablets in their possession. According to him, the recovered quantity of tablets would fall within the ambit of commercial quantity. However, it is not disputed by learned State counsel that after completion of investigation, final report stands filed on 13.11.2021.

At this stage, learned counsel for the petitioners has invited the attention of the Court to the custody certificate of the petitioners filed by way of affidavits of Rajdeep Singh, PPS, Additional Superintendent, Central Prison, Patiala and Mr. Baljeet Singh Superintendent District Jail Barnala, respectively and contended that petitioner are not involved in any other case, so they be released on bail.

After hearing learned counsel for the parties and considering the above background, this Court finds that though the investigation of the case is complete, but the trial is yet to commence and at present does not seem to be any possibility of its conclusion in near future. Apart from it, the co-accused of the petitioners has already been released on regular bail, thus the further detention of the petitioners behind the bars may not necessary for any useful purpose who are presently confined in judicial custody and are not involved any other case, much less of the similar nature. The material prosecution witnesses are police officials and there does not seem to any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petitions are allowed.

08.02.2022
Monika

(MANOJ BAJAJ)
JUDGE

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