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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42994-2021 (O&M)
Date of Decision:28.03.2022

Mangal Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Navsangeet Sidhu, Advocate for
Mr. Manu Loona, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.132 dated 03.09.2020 registered under Sections 22, 61, 85 NDPS Act at Police Station Sadar Jalalabad, District Fazilka. The petitioner is in custody since his arrest on 12.08.2021.

As per prosecution, on 03.09.2020, Mangal Singh (petitioner) was found in conscious possession of 1000 intoxicating tablets containing salt Tramadol Hydrochloride

Learned counsel has argued that the petitioner was arrested for possessing 1000 tablets (Narcotic substance) and as the FSL report was not filed, the concession of interim regular bail was extended to him vide order dated 15.10.2020. She has submitted that later, upon filing of the forensic report, the petitioner was sent in judicial custody after a period of about ten months and is confined in prison since then. According to her, the petitioner is not involved in any other case of similar nature and also the

concession of interim bail was not misused, therefore, he be released on bail.

Learned state counsel assisted by ASI Chander Shekhar, does not dispute the above sequence of events and further states that the petitioner is not involved in any other case of similar nature. He, on instructions states that the charges have been framed on 12.08.2021, but no prosecution witness has been examined so far.

After hearing the learned counsel for the parties and considering the above background, particularly the custodial period of the petitioner, his further detention behind the bars may not be necessary for any useful purpose. Apart from it, the material witnesses are police officials and at present there does not seem to be 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 petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

28.03.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No