

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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**CRM-M-46762-2021
Date of decision: 21.07.2022**

MANDEEP SINGH @ BABBU

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. L.S. Sekhon, Advocate for
Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case bearing FIR No. 79 dated 09.07.2021 registered under Sections 21 and 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as “NDPS Act”) at Police Station Tappa Mandi District Barnala.

2. As per the prosecution version, on 08.07.2021 ASI Davinder Singh along-with police party were patrolling and checking of suspected persons in front of Suncity Colony situated on the Barnala Bhatinda Road, Tapa. Then ASI Davinder Singh received secret information against accused/non-applicant namely Gurbinder Singh @ Gyani and allegations against him that he used to bring the intoxicant

powder (Chitta) and intoxicant tablets from outside and used to sell the same in and around of Tapa. Then ruqa was sent for the registration of the case.

3. Then further investigation in the present matter was carried out by ASI Sarabjit Singh. Then ASI Sarabjit Singh along-with police party has apprehended accused/non-applicant Gurbinder Singh @ Gyani and from the seat of the motor-cycle bearing registration no. PB-19H-0302, one plastic envelope which contained 500 gm of intoxicant powder was recovered from his possession. As per the rapat No. 12 dated 11.07.2021 petitioner Mandeep Singh @ Babbu was nominated as an accused in the present case and was arrested on 14.07.2021. At the same time of arrest, from the dashboard of Honda City Car bearing registration no. PB-51-7475, one transparent envelope containing 45 grams of heroin was recovered.

4. Learned counsel appearing on the behalf of the petitioner contends that the petitioner has been in custody since 14.07.2021 and has already undergone an actual custody of more than one year. He contends that recovered quantity of Heroin is non-commercial and that investigation in the case is already complete and a final report has been filed. There are 23 witnesses cited by the prosecution. Charge is yet to be framed and conclusion of evidence shall take a long time. He contends that further custodial interrogation of the petitioner is not needed and is not likely to advance any interest of justice.

5. Per contra, Ms. A.K. Khurana, DAG, Haryana contends that the petitioner is involved in one more case registered under the NDPS Act, even though he has a total of 05 cases registered against

him. 03 cases however pertain to commission of offence under the Excise Act while the remainder case pertains to an offence punishable under Section 307 of the Indian Penal Code, 1860.

6. Learned counsel appearing on behalf of the petitioner, however, contends that in the said case registered against him under the NDPS Act, he has already been granted concession of anticipatory bail vide order passed by this Court in CRM-M-18014 of 2021.

7. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

8. Without examining the merits of the instant case and taking into consideration the fact that a non commercial quantity of contraband has been recovered from the petitioner and that he has already undergone an actual custody of more than one year in the present case and that even the charge has not been framed so far and that the trial of the case is likely to take a long time, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

9. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

10. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

11. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall

decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

JULY 21, 2022

vishal sharma

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>