

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 226

CRM-M-47622-2021

Date of decision : 02.03.2022

Mandeep Singh @ Kaka

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Prashant Vashisth, Advocate, for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.21 dated 23.02.2021 registered under Section 15-C of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Division No.1, Ludhiana City.

Briefly stated, the case of the prosecution is that 51 kgs of poppy husk was recovered from a car in which the petitioner and his three co-accused were travelling.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; he is in custody since 23.02.2021; no other criminal case is pending against him; the alleged recovery from him and his three co-accused is 51 kgs of poppy husk which is marginally higher than the prescribed non-commercial quantity; co-accused namely Himesh Charan @ Sajjan, Harpreet Singh @ Jagga and Jaspreet Singh @ Jass, who had earlier approached this Court through CRM-M-21363-2021-*Himesh Charan @ Sajjan vs State of Punjab*, CRM-M-20719-2021-*Harpreet Singh @ Jagga vs State of Punjab* and CRM-M-30934-2021-*Jaspreet Singh @ Jass vs State of Punjab* respectively have already been granted regular bail and that the petitioner's trial, in which 15 prosecution witnesses still remain to be examined, shall take a long time to conclude.

Learned State counsel opposes grant of bail to the petitioner on the ground that 51 kgs of poppy husk has been recovered from the petitioner and his three co-accused and if released on bail he may indulge in similar offences.

The petitioner is in custody since 23.02.2021; no other criminal case is pending against him; the alleged recovery from him and his three co-accused is 51 kgs of poppy husk which is marginally higher than the prescribed non-commercial quantity; co-accused namely Himesh Charan @ Sajjan, Harpreet Singh @ Jagga and Jaspreet Singh @ Jass, who had earlier approached this Court through CRM-M-21363-2021-*Himesh Charan @ Sajjan vs State of Punjab*, CRM-M-20719-2021-*Harpreet Singh @ Jagga vs State of Punjab* and CRM-M-30934-2021-*Jaspreet Singh @ Jass vs State of Punjab* respectively, have already been granted regular bail and that the petitioner's trial in which 15 prosecution witnesses still remain to be examined, is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Ludhiana the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

02.03.2022
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No