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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10538-2023 (O&M)
Date of Decision: 09.03.2023

MANGAL SINGH @ MANGLI

....Petitioner(s)

Versus

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Riffi Birla, Advocate, for the petitioner.

Mr. Sandeep Chopra, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 293 dated 07.12.2019, under Sections 21/61/85 of NDPS Act (Sections 18/23/29 of NDPS Act added later on), registered at Police Station Sadar Fazilka.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 07.12.2019 which is more than 3 years and till date only one prosecution witness has been examined, although the charges were framed on 19.05.2022. She submitted that although the alleged recovery from the petitioner was 2 kgs and 156 grams of Heroin and 45 grams of opium but in the present case the petitioner has been falsely implicated. She submitted that considering the long custody of the

petitioner, he may be considered for the grant of regular bail.

On the other hand, Mr. Sandeep Chopra, learned Deputy Advocate General, Punjab has submitted that it is correct that the petitioner is in custody from 07.12.2019 which is more than 3 years but now the trial is progressing and considering the huge quantity of contraband recovered from the petitioner, he does not deserve the concession of regular bail and particularly in view of Section 37 of the NDPS Act since no ground is made out by the petitioner from making a departure from the bar contained under Section 37 of the NDPS Act.

I have heard the learned counsel for the parties.

The alleged recovery from the petitioner was 2 kgs and 156 grams of Heroin and 45 grams of opium which is a very huge quantity. The alleged recovery is also made on the basis of detection made by the BSF officials from the border area. The petitioner has not been able to make out any ground for making a departure from the bar contained under Section 37 of the NDPS Act and therefore this Court is not inclined to grant bail to the petitioner in view of the huge quantity allegedly recovered from the petitioner.

In view of the aforesaid position, the present petition is dismissed.

However, considering the long custody of the petitioner which is stated to be more than 3 years, the trial Court is directed to expedite the trial.

However, anything observed hereinabove shall not be treated

as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

09.03.2023

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking

Whether reportable

:

:

Yes/No

Yes/No