

2023:PHHC:089452

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No. 205

CRM-M-32813-2023

Date of Decision:-17.07.2023

MANDEEP SINGH @ AMNA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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Present:- Mr. P.S. Sekhon, Advocate for the petitioner.

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SANDEEP MOUDGIL, J. (Oral)

1. This is a second petition under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.145 dated 29.10.2020 under Section 22 of NDPS Act, 1985 and Section 207 of M.V. Act, 1988, Police Station STF Phase IV, District SAS Nagar (Mohali).

2. Counsel for the petitioner contends that the allegations are with regard to the recovery of intoxicants tablets which are in fact an winicirex cough syrup and carisoprodol (a multi vitamin tablets) and did not fall within the ambit of Narcotic Drugs under the NDPS Act. It is also the case of the petitioner that he was not apprehended at the spot and the car in question which has been found along with recovery of alleged contraband is in the name of one Amrit Singh son of Hardeep Singh to whom the petitioner is not known.

3. Notice of motion.

4. On the asking of Court Mr. Karan Puggal, DAG, Punjab accepts notice on behalf of State who has produced the custody certificate qua the petitioner. He contends that the recovery of the contraband is from the car and the petitioner was present in the said

vehicle which was intercepted by the patrolling party and keeping in view the nature of contraband recovered, the petitioner is not entitled for grant of any concession of regular bail.

5. Looking into the facts especially the custody part which is 2 years, 8 months and 18 days and the antecedents of the petitioner who is not involved in any other case whatsoever as also the assertions made by learned counsel for the petitioner to the fact that the petitioner is a poor labourer and has been falsely implicated in the instant FIR, wherein the labourer by no stretch of imagination, could be having in possession of car in question i.e. make Verna which admittedly is in the name of one Amrit Singh, to whom, learned State counsel has failed to show any connection of the petitioner and any connecting cogent material with the alleged recovered contraband. In the present case, no witness has been examined so far by the prosecution out of 24 witnesses which conveniently makes out a case for grant of regular bail to the petitioner at this stage.

6. Hence the petition is allowed. The petitioner is directed to released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

17.07.2023

yogesh

(SANDEEP MOUDGIL)
JUDGE

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No