

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.33946 of 2023 (O&M)
DATE OF DECISION: 21st JULY, 2023

Mandeep Singh @ Ghogar

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Amit Arora, Advocate
for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.425 dated 10.11.2022 registered under Sections 21 (c) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Goindwal Sahib, District Tarn Taran.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is false and concocted. The petitioner is not involved in the crime as alleged against him. For the purpose of connecting the petitioner to the crime, the police have fabricated the alleged recovery of 255 grams of Heroin. Even, the said weight was done by the alleged Recovering Officer along with the carry case so as to make the quantity commercial. There is no other case pending against the petitioner. The petitioner is in custody since 10.11.2022. The petitioner is

not required for any investigation purposes. Therefore, the petitioner deserves to be released on bail pending trial.

3. Notice of motion.

4. Mr. Gurpreet Singh Sandhu, Deputy Advocate General, Punjab with ASI Maswinder Singh, accepts notice on behalf of the respondent-State. Custody certificate of the petitioner filed by learned State counsel today in the Court. The same is taken on record. Learned State Counsel, being instructed by ASI Maswinder Singh, submits that the recovery from the petitioner is commercial quantity. Therefore, it cannot be said that the petitioner has not committed any offence. Moreover, there is another case pending against the petitioner under the IPC sections. Therefore, the petitioner does not deserve any concession of bail. However, it is not disputed by learned State counsel that there is no other case against the petitioner under the NDPS Act and that the petitioner is in custody since 10.11.2022.

5. In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

21st JULY, 2023
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(RAJBIR SEHRAWAT)
JUDGE

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