

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-38275-2022 (O&M)
Date of Decision:-04.12.2023

Mangat Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vipul Jindal, Advocate for the petitioner.
Mr. Maninderjit Singh Bedi, Addl. A.G. Punjab.

FIR No.	Dated	Police Station	Section
186	18.10.2021	STF Phase IV, Mohali, District SAS Nagar	21, 21(c), 18, 18(b), 25, 29 of NDPS Act

GURVINDER SINGH GILL, J. (Oral)

CRM-39573-2022

In view of the reasons mentioned in the application, the same is allowed as prayed for and copy of order passed by this Court is taken on record as Annexure P-14, subject to all exceptions.

CRM-M-38275-2022 (O&M)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.

2. As per the case of prosecution, a secret information was received that petitioner-Mangat Singh indulges in sale of 'Heroin' and 'Opium' and that on the given day he had brought huge quantity of contraband from Saharanpur and was proceeding from Sherpur Chowk towards Moti Nagar in order to supply the same. Pursuant to receipt of said information, barricading was held and the petitioner was caught red-handed while in possession of 1.5 kg of 'Heroin' and 1.5 kg of 'Opium' apart from drug money to the tune of Rs.14,500/-.
3. It is further the case of prosecution that pursuant to disclosure statement made by the petitioner one Satinder Singh was nominated as an accused and was arrested on the next day i.e. on 19.10.2021 and from whom possession 500 grams of 'Opium' and an amount of Rs.52,500/- was recovered. It is further the case of prosecution that the petitioner made another confessional statement and pursuant to which one Madhur Gupta was arrested while he was travelling in a Swift Dezire car and that his search led to recovery of 1.5 kg of 'Heroin' apart from another 3 kgs of opium from the boot of the car.
4. Learned counsel submits that since the aforesaid co-accused Madhur Gupta has already been granted the concession of bail, the petitioner deserves the same concession on the grounds of parity apart from the fact that the petitioner has been behind bars since the last more than 2 years and otherwise has a clean record.
5. Learned State counsel on the other hand has submitted that since the petitioner was caught red-handed while in possession of a 'commercial quantity' of contraband, he does not deserve the concession of bail. Learned State counsel has informed that the petitioner as on date has been behind bars

since the last 2 years 1 month and 12 days and is not involved in any other case. It has also been informed that as on date 3 out of cited 24 PWs have been examined.

6. This Court has considered the rival submissions addressed before this Court.
7. Apart from the period of custody of the petitioner and the fact that he is not involved in any other case and that the trial is proceeding at snail’s pace, the petitioner would deserve bail on the ground of parity since identically situated co-accused from whom also a ‘commercial quantity’ of contraband was recovered has already been granted bail. The petition as such is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

04.12.2023

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No