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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-47516-2022
DECIDED ON: 28th MARCH, 2023

MANDEEP SINGH

PETITIONER

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 of the Code of Criminal Procedure, 1973 has been invoked for grant of regular bail to the petitioners in case FIR No. 84, dated 23.07.2022, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') (Section 29 of NDPS Act), registered at Police Station Chabbewal, District Hoshiarpur.

Learned counsel for the petitioner has been roped in the present case on the basis of disclosure statement of the main accused and nothing has been recovered from the possession of the petitioner. It is submitted that from a bare perusal of FIR it is evident that the recovery of 45 grams of heroine and drug money amounting to Rs.11,550/- was made from the dashboard of the car of the main accused Balvir @ Sunny and

Raman Kaur @ Ramna.

Custody certificate of the petitioner filed by learned State counsel is taken on record. As per the certificate the petitioner has suffered incarceration for a period of 8 months and 2 days as of now. He opposes the prayer made in the present petition on the ground that the petitioner is also involved in one another case of similar nature.

Faced with the situation learned counsel for the petitioner submits that the petitioner is on bail in another case, as is evident from the custody certificate.

Having heard learned counsel for the respective parties.

Considering the custody period undergone by the petitioner so far added with the facts that 45 grams of heroin was recovered along-with drug money from the dashboard of the car which belongs to the main accused Balvir @ Sunny; challan stands presented wherein conclusion of trial shall take sufficient long time, this Court is of the view that no useful purpose would be served by keeping him behind the bars any more.

As far as the contention raised by the learned State counsel with regard to the pendency of another case is concerned this Court cannot lose sight of the fact that in that case, the petitioner is on bail, which is otherwise also cannot be a predicament to consider the present petition in the light of the judgment passed by this Court in the case of ***Baljinder Singh @ Rock vs. State of Punjab, CRM-M-25914-2022, decided on 03.03.2023.***

No doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true

that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

In view of afore-said discussions, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

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

(SANDEEP MOUDGIL)
JUDGE

28th MARCH, 2023

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| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable : | Yes / No |