

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

291

CRM-M-48852-2022

Date of decision: 17.07.2023

MANDEEP SINGH ALIAS BABBU

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Jasvir Singh Dhaliwal, Advocate for
Mr. Pushp Jain, Advocate
for the petitioner.

Ms. Lavanya Paul, DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.35 dated 02.02.2021 registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short “the NDPS Ac”) (later on Section 29 of the NDPS Act has been added at Police Station Sadar Mansa, District Mansa (Annexure P-1).

2. As per the case of the prosecution, the Police patrolling party which was at about half a kilometer from village Karamgarh Autavali, saw a person coming on a motorcycle Platina-100 make Bajaj bearing No. HR-94-2347 carrying a heavy plastic bag hanging on the side of the motorcycle who tried to escape on seeing the Police party. The said person was apprehended with the help of police and upon his apprehension, he discloses his name Mandeep Singh @ Babbu. 500

strip of Clovedol 100 SR Tramadol Hydrochloride IP 100 MG tablets not for sale in Punjab were claimed to have been recovered from the possession of the petitioner.

3. Learned counsel appearing on behalf of the petitioner contends that the prosecution story is highly suspected and that mandatory provisions of Section 42 have not been complied with. He further submits that the petitioner has been in custody since 02.02.2021 and has already undergone an actual custody of more than 02 years and 05 months. He further contends that the petitioner is not involved in any other criminal case. He further contends that there are as many as 17 prosecution witnesses cited and only 05 have been examined so far. Conclusion of trial shall take long time.

4. Learned counsel appearing on behalf of the respondent-State submits that heavy quantity of Clovedol 100 SR Tramadol Hydrochloride IP 100 MG tablets were recovered from conscious possession of the petitioner. She, however is not in a position to controvert the assertion that the petitioner is not involved in any other criminal case and that he has already undergone an actual custody of 02 years and 05 months. Further, only 05 witnesses out of total 17 witnesses have been examined in the said case.

5. I have heard learned counsel appearing on behalf of the respective parties and have gone through the documents appended alongwith petition with their able assistance.

6. Taking into consideration the period of actual custody undergone by the petitioner, the stage of the trial as also the criminal antecedents of the petitioner and also the trial is likely to take much

time before it is concluded, I deem it appropriate to enlarge the petitioner on bail upon furnishing bail bonds/surety bonds to the satisfaction of the Trial Court.

7. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing the requisite bail bond/surety to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

9. The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of the material available.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

JULY 17, 2023

Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No