

CRM-M- 51404-2022 (O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
*CHANDIGARH*

CRM-M- 51404-2022 (O&M)  
Date of Decision: 25.04.2023

*Mehtab Singh alias Kalu*

*... Petitioner*

V/s.

*State of Punjab*

*... Respondent*

**CORAM:** **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Ms. Srishtti S. Sharma, Advocate for  
Mr. Gaurav Dutta, Advocate  
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

\*\*\*\*

**DEEPAK MANCHANDA, J.(Oral)**

**CRM-14552-2023**

The instant application has been filed for placing on record the translated copy of FIR No. 131 dated 15.09.2021.

For the reasons mentioned therein, the application is allowed and the above-said translated copy is taken on record subject to all just exceptions.

**CRM-M- 51404-2022**

Petitioner has prayed for grant of regular bail under Section 439

Cr.P.C. in case FIR No. 131 dated 15.09.2021, under Sections 22 (b ) of the

**CRM-M- 51404-2022 (O&M)**

**-2-**

NDPS Act registered at Police Station Sirhali, District Tarn Taran, who is alleged to have possessed contraband of 700 tablets of Tramadol, which falls under the ambit of commercial quantity.

Learned counsel for the petitioner contends that the petitioner is in custody since 05.07.2022. He submits that the petitioner has been falsely implicated in the present case as the alleged recovery is not effected from the conscious possession of the petitioner but from a polythene bag which has been thrown on the side of the road. He further submits that the petitioner has no other case pending against him under the NDPS Act and the challan stands presented and the charges are framed and none out of total 08 prosecution witness has been examined till date and the conclusion of trial will take sufficient time, therefore, the prayer is made for the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State and the same is taken on record. Per contra learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature, however, he does not dispute the fact that challan stands presented and the charges have been framed and the petitioner has clean antecedents.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 05.07.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course

CRM-M- 51404-2022 (O&M)

-3-

of free and fair trial. Further, since the petitioner has clean antecedents and the challan stands presented and the charges have been framed, however, none out of total 08 prosecution witness has been examined, the trial would take sufficient time, so no useful purpose would be served in keeping the petitioner behind the bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned on the following conditions:-

1. *he shall appear before the Court on each and every date of hearing;*
2. *he shall not give any threat or intimidation to the prosecution witnesses;*
3. *he shall not indulge in any criminal activity.*

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any terms and conditions on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of his bail.

The petition is allowed accordingly.

**(DEEPAK MANCHANDA)**  
**JUDGE**

25.04.2023

|                                  |                |
|----------------------------------|----------------|
| <i>Whether speaking/reasoned</i> | <i>Yes</i>     |
| <i>Whether Reportable</i>        | <i>Yes /No</i> |