

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

CRM-M-53356-2023

Date of Decision:02.11.2023

Mandeep Singh @ Laddu

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Balkaran Singh Aulakh, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 167 dated 09.07.2022, under Sections 15,21, 22 of NDPS Act, registered at Police Station City, Muktsar, District Sri Muktsar Sahib, Annexure P-1.

2. The FIR in the present case was registered on the basis of the secret information received by the police against the accused. As per the police, the drugs were being sold in the street and if a raid was conducted, poppy husk, heroine and intoxicants in huge quantity could be recovered from them. On finding the information reliable, the FIR was registered in the present case. As per the case of the prosecution, during investigation Mandeep Singh @ Laddu, the present petitioner was arrested and from his possession 45 grams of intoxicant powder was recovered. As per the case set up by the prosecution, various other recoveries were also made from the co-accused as well.

3. Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 09.07.2022 and is in custody since then. He further contends that the recovery of the alleged contraband i.e 45 grams of intoxicant powder falls within the ambit of "non-commercial quantity". While referring to the orders Annexures P-2 to P-7, learned counsel submits that the

co-accused Sukhdev Singh @ Sukha, Charanjeet Kaur @ Kochi, Amarjit Kaur, Kuldeep Singh, Bunty and Kabir Singh @ Kaka have already been granted the concession of bail by this Court. He further contends that the prosecution has not been able to examine even a single witness so far and no purpose would be achieved by getting the petitioner behind the bars.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the four other case have already been registered against the present petitioner, however, he is on bail in these cases. He admits that the recovery of contraband in the present case falls within the ambit of “non-commercial quantity”.

5. I have heard the learned counsel for the parties and with their able assistance, I have gone through the Court record carefully.

6. It is apparent that as per the case of the prosecution also, only 45 grams of Tramadol was allegedly recovered from the present petitioner, which is non-commercial in nature. Apart from that, other co-accused namely Sukhdev Singh @ Sukha, Charanjeet Kaur @ Kochi, Amarjit Kaur, Kuldeep Singh, Bunty and Kabir Singh @ Kaka have already been granted the concession of bail by this Court and no witness has been examined so far.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

(N.S.SHEKHAWAT)
JUDGE

02.11.2023
hitesh

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