

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

208

CRM-M-59576-2022 (O&M)

Date of Decision: 23.02.2023

MANGAL SINGH @ MANGLI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. JS Sandhu, Advocate
for the petitioner.

Ms. Ishma Randhawa, Additional AG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this third petition, the petitioner seeks regular bail in case bearing FIR No.5 dated 09.06.2020, registered under Sections 21, 23 and 30 of the NDPS Act, at Police Station SSOC Fazilka, District Fazilka.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that the petitioner has been in custody since 09.06.2020; that the alleged recovery of 880 grams heroin and drug money of Rs.6,75,000/- has already been effected in the present case and the said recovery is a planted one; that the petitioner is not keeping good health and on medical ground, was granted interim bail by this Court vide order dated 02.08.2022, which was further extended on 04.11.2022, for a period of one month and that out of 16 prosecution witnesses, only 1 has been examined. He further submits that, though the

recovery effected in the present case is a commercial quantity, yet the fact remains that the petitioner is suffering from acute leukemia and chronic myeloid leukemia in blast crisis and that there is no other case registered and/or pending against the petitioner.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. She, however, submits that the recovery effected from the petitioner falls under the commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the person in case of commercial quantity. She further submits that material witnesses are yet to be examined.

I have heard the learned counsel for the parties.

Though the recovery effected in the present case falls under the commercial quantity, yet the fact remains that the petitioner is suffering from acute leukemia and chronic myeloid leukemia in blast crisis. The petitioner has been in custody since 09.06.2020. There is no other case registered and/or pending against the petitioner. The petitioner was earlier granted the concession of interim bail, on medical ground and he had surrendered back in time. The petitioner has not misused the concession of interim bail granted to him. More than 10 prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on

the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

23.02.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No