



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

206

CRM-M-11675-2024

Date of decision: August 23rd, 2024

Mandeep Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Nirmal Singh, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.59 dated 26.03.2023 under Section 22B, 22C, 29 of the NDPS Act registered at Police Station Raipur Rani, District Panchkula.

2. Learned counsel for the petitioner submits that a recovery of 780 tablets of Lomotil, 165 tablets of Alprazolam and 20 tablets of Alprasaft was planted upon the petitioner, who has no other criminal antecedents. Learned counsel submits that the alleged recovery has been classified as non-commercial under the NDPS Act. It has still further been submitted that after the petitioner was arrested on 26.03.2023, challan had been presented and even charges framed, however, none of the 18 witnesses cited by the prosecution has been examined till date. Hence, the possibility of the trial concluding in the near future seems unlikely. It has also been further submitted that two co-accused Deepak Tiwari and

Rajesh have also since been extended the concession of bail by this Court vide order dated 31.05.2024. A prayer has, therefore, been made that in the aforementioned facts and circumstances, the petitioner be also enlarged on bail.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by counsel opposite, on instructions, has not been able to dispute the custody period of the petitioner as well as the stage of the trial. He has also not been able to dispute that the alleged recovery affected from the petitioner has been classified as non-commercial under the NDPS Act. On a further query put to the learned State counsel as to whether the petitioner is involved in any other criminal case, he, on instructions has replied in the negative. Learned State counsel has, however, submitted that the next date of hearing fixed before the trial Court is 04.09.2024, when the prosecution evidence is likely to commence.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The investigation in the present case is complete as challan stands presented and even charges stand framed, however, none of the 18 witnesses cited by the prosecution have been examined till date. The petitioner is not stated to be involved in any other criminal case much less under the NDPS Act.

6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

August 23rd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No