

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No. 31470 of 2024
Date of decision : 5.7.2024

Mandeep Singh @ Gaggi	Petitioner
Versus	
State of Punjab	Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mikhail Kad, Advocate, for the petitioner

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.8, dated 20.1.2024, under Sections 21, 29, 61 of the NDPS Act, 1985, registered at Police Station Sadar Dhuri, District Sangrur.

2. Learned counsel for the petitioner would contend that the petitioner has been nominated as an accused on the basis of disclosure statement wherein 5 grams of heroin was recovered from the co-accused Bimal Kaur and no recovery whatsoever has been effected from the present petitioner, who has been dragged into the instant FIR without having any incriminating material available with the prosecution except a bald statement that she has purchased the same from the petitioner. Learned counsel has further argued that implication in the instant FIR by the prosecution merely to hush up the present case by involving the



petitioner just to set the record right wherein the petitioner is involved in multiple cases prior to this and has been added merely on his surmises and conjectures as an accused.

3. Notice of motion.

4. On the asking of Court, Mr. Rajiv Verma, DAG Punjab, who is present in Court, accepts notice on behalf of respondent-State and on instructions from ASI Krishan Singh, seeks dismissal of the instant petition on the ground that the petitioner is a habitual offender and his custodial interrogation is must to unearth the racket and *modus oprendi*, who is acting hand in glove with other co-accused and persons as a drug mafia within the State for a long time.

5. Be that as it may, as far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “*Baljinder Singh alias Rock vs. State of Punjab*” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

6. The quantity, admittedly, is of non-commercial in nature and the same has not been recovered from the petitioner, neither there is any incriminating material to show any role of the petitioner in the instant FIR and therefore, this petition deserves to be allowed.
7. In the light of above, the present petition is allowed with a direction to the petitioner to join the investigation within a period of one week, subject to his furnishing personal/security bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by the Court shall automatically stands cancelled.
8. The petition in the aforesaid terms disposed of.

(SANDEEP MOUDGIL)

JUDGE

5.7.2024

Ashwani

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No