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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36237-2024
Date of decision: 09.08.2024

MANGAT SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

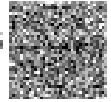
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Rupender Singh Rana, Advocate as Legal Aid Counsel
for the petitioner.

Mr. Adeshwar Singh Pannu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.36 dated 08.03.2020, under Section 22 of the NDPS Act, registered at Police Station Dirba, District Sangrur, Punjab.
2. Learned counsel for the petitioner submitted that the petitioner is in custody for 4 years and 4 months and it is a case where the trial of the case is going at a very slow pace and even after the completion of the prosecution evidence, an application under Section 311 Cr.P.C. was moved, which was allowed and again the case is fixed for prosecution evidence with a result that the petitioner has faced incarceration for 4 years and 4 months. He further submitted that earlier also the petitioner had filed a petition before this Court for



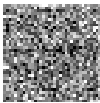
grant of regular bail and on the ground of ill health of his mother, he was granted the concession of interim bail for a period of one month vide Annexure P-4 dated 12.04.2023. He further submitted that thereafter, the petitioner has surrendered well in time and he has not violated any of the conditions of interim bail. He further submitted that the petitioner has clean antecedents and he is not involved in any other case and as per the allegations, there was a recovery of 950 tablets of *Clovidol-100 SR* from him. He also submitted that in view of the long custody of the petitioner, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Adeshwar Singh Pannu, AAG, Punjab does not dispute the aforesaid factual position.

4. I have heard the learned counsels for the parties.

5. This Court is of the considered view that considering the long custody of the petitioner i.e. 4 years and 4 months, wherein even the prosecution evidence has not been closed till date and the fact that the petitioner has clean antecedents and he is not involved in any other case, the bar contained under Section 37 of the NDPS Act will not apply to the petitioner in light of Article 21 of the Constitution of India and also in light of the judgment of Hon'ble Supreme Court in **Satender Kumar Antil versus Central Bureau of Investigation and another, 2022 (10) SCC 51.**

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.



7. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

09.08.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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