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

CRM-M-56994-2024

Date of Decision: 21.11.2024

Mandeep Singh @ Sonu

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Minkal Thatai, Advocate for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting him regular bail in case FIR No.08 dated 23.01.2024, under Sections 21(b), 27-A of NDPS Act, 1985, registered at Police Station Dhariwal, District Gurdaspur.

2. As per the facts of the case, on 23.01.2024 the Police party while on patrolling, spotted a car, in which two persons were sitting. The car was stopped and on asking the driver of the car disclosed his name as Manpreet Singh @ Sukha and the person sitting next to him, disclosed his name as Mandeep Singh @ Sonu (petitioner). Mandeep Singh @ Sonu threw a polythene bag in the back seat of the car, which was suspected to be narcotic substance. On checking of the same, it was found to be 29 grams of heroin. Both the persons failed to produce any licence regarding the possession of the same. Thus, the FIR was registered and they were arrested on the spot. On registration of the FIR, the investigation commenced. Samples taken were sent to the FSL. On completion of the investigation, challan was presented and learned trial Court framed the charges. The petitioner approached the Court of



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learned Judge, Special Court, Gurdaspur praying for grant of bail. However, finding no merit, the same was declined vide order dated 25.04.2024. Hence, the petitioner is before this Court praying for grant of bail.

3. It has been vehemently contended by counsel for the petitioner that the petitioner has been falsely implicated in the present case. She has submitted that the alleged recovered has been made by the Investigating Agency in a public place, however, no independent witness has been joined by them while conducting the search. She has submitted that the petitioner is not even the owner of the car. It is submitted that even otherwise the alleged recovery effected in the case from the car is of 20 grams of heroin, which is a non-commercial quantity and thus, provisions of Section 37 of the NDPS Act are not attracted. It is further submitted that the petitioner has no criminal antecedent and thus, in the overall facts and circumstances of the present case, the petitioner deserves to be granted bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that both the accused were arrested on the spot and recovery of contraband was effected from the car, in which they were travelling. He submits that the investigation is complete and the charges are framed. On instructions, he submits that out of 15 prosecution witnesses, one has been examined so far. He further submits that the petitioner has no criminal antecedent.

5. Heard.

6. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was arrested on 23.01.2024. The alleged recovery was effected from a polythene bag lying in the car and the quantity of contraband is non-commercial quantity. Investigation is complete. As

stated before this Court, the petitioner has no criminal antecedent.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.
8. Accordingly, 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 concerned trial Court/Duty Magistrate.
9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

21.11.2024

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No