

237 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24988-2025
Date of Decision:30.10.2025

MANGI SINGH ALIAS GAGGI ...Petitioner
Vs.
STATE OF PUNJAB ...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Pawan Kumar Jhanda, Senior DAG Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 439 Cr.P.C.,(Section 483 of BNSS) for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Mangi Singh @ Gaggi	87	12.06.2024	22-C of NDPS Act, 1985	STF Sector 79, Sohana	SAS Nagar, Mohali.

2. Recovery in the present case is of 2500 tablets of Tramadol.

As per the allegations, the petitioner was driving an auto-rickshaw bearing registration No. PB-03AY-5892. Upon noticing the police party, he allegedly turned the vehicle abruptly towards the left side, arousing suspicion. Consequently, the auto-rickshaw was intercepted by the police. During the search, the Investigating Officer observed that a transparent polythene bag was lying near the feet of the driver, inside which strips of tablets were clearly visible. Upon inspection, the bag was found to contain



2,500 tablets of *Tramadol*, which were subsequently seized. Thus, the recovery of the said tablets is shown to have been effected from the possession of the petitioner.

Learned counsel for the petitioner contends that the prosecution story is highly doubtful and does not appeal to the reason or understanding of a prudent person. It is submitted that the petitioner had earlier been involved in another case under the NDPS Act, bearing FIR No. 36 dated 09.03.2024, registered under Sections 22-B, 29, 61 and 85 of the NDPS Act at Police Station Canal Colony, pertaining to the recovery of 213 tablets of *Tramadol*, which constituted a non-commercial quantity. Crucially, petitioner was granted bail in the said case on 18.04.2024.

Learned counsel further submits that, having been released on bail merely two months prior to the present occurrence, there was no plausible reason for the petitioner to attempt to cross a police checkpoint (*naka*) that was already set up, particularly when he was aware of the possible legal consequences. It is further argued that even assuming, for the sake of argument, that the petitioner was in possession of *Tramadol* tablets, it defies the normal course of human conduct for someone who recently faced prosecution under the NDPS Act, would again carry a large quantity of *Tramadol* in a transparent polythene bag, thus making himself an easy target for detection and arrest.

Learned counsel for the petitioner further submits that neither any Gazetted Officer was called to the spot nor was any video recording prepared during the alleged recovery proceedings. It is further contended that no independent witness was associated at the time of the alleged recovery of



2,500 tablets of *Tramadol* found near the petitioner's feet in a transparent polythene bag. The petitioner has already undergone incarceration for a period of about 1 month, 4 months, and 15 days. As of now, only two witnesses have been examined and five witnesses have been given up out of the total 11 prosecution witnesses. It is, therefore, submitted that no useful purpose would be served by keeping the petitioner in custody for an indefinite period during the pendency of the trial. Accordingly, learned counsel prays that the petitioner be granted the concession of regular bail.

3. On the other hand, while vehemently opposing the prayer of bail, learned State counsel submits that keeping in view the nature of offence, he does not deserve concession of bail. However, learned State counsel though does not dispute the factual position, as explained by the petitioner's counsel here-above.

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

5. While considering the plea of bail, this Court is conscious of the fact of recovery of narcotic contraband from the petitioner. However, this Court also cannot overlook other factual aspects, the total period of incarceration already undergone, as well as the potential risk of his coming into contact with hardened criminals in the eventuality of prolonged detention. Therefore, this Court deems it appropriate to consider the plea of bail of the petitioner.

Consequently, prayer made in the present petition is **allowed**.

Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/



Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

6. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

7. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

8. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

9. Petition stands **disposed of**.

(SANJAY VASHISTH)
JUDGE

30.10.2025

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