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

CRM-M-62543-2024**Date of Decision: 06.03.2025**

Malkit Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Ravi Malhotra, Advocate and
Ms. Surinder Kaur, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.75 dated 20.07.2023 registered under Sections 22, 85, 29 of NDPS Act, at Police Station Julkan, District Patiala.

2. As per the case of the complainant, on 20.07.2023, a police party headed by ASI Nishan Singh was present at the crossing of bridge near Village Mehona on the road leading from Village Gharam to Village Devigarh for patrolling. At about 03:05 PM, a motorcycle was seen coming from the direction of Village Bagra, which was being driven by a young Hindu boy and a young Hindu boy was sitting behind him. On seeing the police party, the young boys panicked and tried to flee from the spot. However, their motorcycle developed some technical problem and the complainant along with other police officials apprehended both the boys and on enquiry by the police, they disclosed



their names as Mangal Singh @ Mangu son of Kaka Singh and Malkit Singh son of Nirmal Singh, both residents of Village Masingan, Police Station Julkan, District Patiala. The police party expressed the suspicion that they were carrying some contraband and after following the due process of law, the search was conducted. On search, 55 grams of intoxicant powder was recovered from them and the FIR in the present case was registered.

3. Learned counsel for the petitioner contends that the conscious possession of the petitioner over the alleged recovery of 55 grams of Diphenoxylate is a moot point as the same was shown to be recovered from the tool box of the motorcycle and not from the conscious possession of the petitioner. He further submits that no private witness was joined by the Investigating officer, during the course of investigation. He further submits that similarly placed co-accused, namely, Mangal Singh @ Mangu has been granted the concession of bail by this Court vide order dated 29.01.2025 passed in CRM-M-4148-2025. The petitioner is in custody since 20.07.2023 and after completion of investigation, the final report under Section 173 Cr.P.C. has already been presented against him. Trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that he may be released on regular bail. In support of his contentions, learned counsel for the petitioner has relied upon judgments in (i) **CRM-M-37684-2021, Balwinder Singh vs. State of Punjab**, decided on 14.02.2022; (ii) **CRM-M-8212-2022, Tajinder Singh vs. State of Punjab**, decided on 03.03.2022 and (iii) **CRM-M-35186-2016, Manjit Kaur @ Jeeto vs. State of Punjab**, decided on 01.12.2016.



4. On the other hand, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner. However, he fairly conceded the fact that petitioner is not involved in any other criminal activity.
5. Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that the quantity of alleged contraband is marginally above the ‘commercial quantity’, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail. Co-accused Mangal Singh @ Mangu and Pardeep Kumar @ Happy have already been granted the concession of bail by this Court.
6. Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

06.03.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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