

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

1. CRM-M No.114 of 2017

Lakhwinder Singh @ Lakha

... Petitioner

Versus

State of Punjab

... Respondent

2. CRM-M No.6920 of 2017

Balkar Chand @ Kari

... Petitioner

Versus

State of Punjab

... Respondent

Date of decision: 26th May, 2017

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sanjeev Sharma and Mr. L.S. Sidhu, Advocates
for the petitioner.

Mr. Gurveer Sidhu, Asstt. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J.

The above two regular bail applications under Section 439 Cr.P.C., both third one, by petitioners Lakhwinder Singh alias Lakha and Balkar Chand alias Kari having arisen out of the same very FIR bearing No.136 dated 27.10.2012 under Sections 15/25/21/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 pertaining to Police Station Kartarpur, District Jalandhar City are being taken up together for disposal.

On 27.10.2012 the police received secret information against Joginder Singh, Maheshi @ Kala, Jeet Singh @ Jiti, Lakhwinder Singh @ Lakha s/o Kashmir Singh, Nanak Singh, Binder Singh @ Gora, Lakhwinder Singh @ Lakha s/o Sukhwinder Singh, Balkar Chand and Jaswant Singh @ Gona who were running international gang of smugglers supplying poppy husk and had kept a canter truck bearing registration No.PB13-AA-8886 and Scorpio vehicles bearing No.PB11-AV-9013 and PB29-E-9383 for ferrying the same from Rajasthan and supplying in various areas of Punjab and were in the process of supplying contraband to one Surjit Singh alias Sita and subsequently on raid 3502 kgs and 285 kgs of poppy husk was recovered from the conscious possession of the accused, leading to registration of the present case. This Court vide orders dated 17.02.2016 had given liberty to the petitioners to move this Court again if the trial is not concluded within a period of three months.

Contentions of learned counsel for the petitioners Mr.Sanjeev Sharma and Mr. L.S. Sidhu, Advocates are that the petitioners are alleged to have been apprehended on 27.10.2012 and are in custody since more than 4½ years and that the trial is not progressing and thus, prays for grant of bail to both the petitioners having undergone substantial incarceration.

Learned State counsel Mr. Gurveer Sidhu, Asstt. Advocate General, Punjab has stoutly opposed grant of bail to the petitioners on the

grounds that recovery of huge quantity of contraband has been made from the conscious possession of the petitioners and the fact that their bails have already been declined earlier by this Court repeatedly and there is no fresh ground as it was on the own conduct of the accused who had either absented or were absconding from law that the trial could not proceed, and prayed for dismissal of bail.

Going through the submissions, the abundant evidence derived from the records of the Court below is suggestive of the enormity of the recovery and thus, heinousness of the offence in which the petitioners have been hauled up. Mere long period of incarceration is no ground or a mitigating circumstance for grant of bail. The very conduct of the accused throughout the trial is reflective how the proceedings are being delayed for a motivated cause. No ground is made out for grant of bail, thus both the petitions are hereby dismissed.

However, directions are issued to the trial Court to ensure speedy disposal of the matter by giving short adjournments and using coercive means, wherever necessitated, to accomplish the same.

(FATEH DEEP SINGH)
JUDGE

May 26, 2017

rps

Whether speaking/reasoned Yes/No

Whether reportable Yes/No