

Sr. No.210

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

**CRM-M-29775-2018
Date of decision:21.09.2018**

Lakhvir Singh @ Sira

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl.AG, Punjab.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.1 dated 06.01.2018 for the offences punishable under Section 22 of NDPS Act registered at Police Station GRP Sirhind, District Fatehgarh Sahib.

Learned counsel for the petitioner contends that the alleged recovery from the petitioner is totally concocted. However, even accepting the alleged recovery to be correct; quantity of the prohibited substance recovered from the petitioner is less than even the small quantity. In support of his contention, learned counsel has relied upon the judgment of this Court rendered in ***CRM-M-35080-2018; Rajvir Singh @ Raju vs. State of Punjab*** decided on 21.08.2018. It is further contended that the Complainant himself acted as an Investigating Officer in this case. However, learned counsel submits that the petitioner is in custody since 06.01.2018. Challan has already been filed in the case. Therefore, no

purpose would be served by keeping the petitioner in custody. Since no witness have been examined so far, therefore, trial is likely to take a longer time. Learned counsel further submits that no other case is pending against the petitioner.

On the other hand, learned State Counsel being instructed by ASI Sukhwinder Singh has not disputed the quantity of recovery from the petitioner or the fact that the petitioner is in custody since 06.01.2018. He has also not disputed the fact that no other case is pending against the petitioner.

In view of the above, the petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial subject to furnishing bail bonds/surety to the satisfaction of the Chief Judicial Magistrate, Patiala.

21st September, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*