

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

**CRM-M No.49751 of 2017
Decided on: 30.07.2018**

Lakhvir Singh @ Lakhi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Haridh Davedi, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.56 dated 20.04.2017, for offence punishable under Section 18/61/85 of the Narcotic Drug and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Sirhind, District Fatehgarh Sahib.

Counsel for the petitioner has submitted that the petitioner is not involved in any other case and he is in custody since 20.04.2017 and the case is now fixed for recording the statement of prosecution witnesses and conclusion of the trial is likely to take some time. It is further submitted that it will be a debatable issue to be decided during the course of trial whether the provisions of Section 50 of the NDPS Act will apply in the given facts and circumstances as per the version given in the FIR.

Counsel for the State has filed the Custody Certificate

dated 17.05.2018 and has not disputed the fact that the petitioner is not involved in any other case. It is further submitted that 03 prosecution witnesses have been examined out of 08 PWs.

Without commenting anything on merits of the case and considering the fact that the petitioner is not involved in any other case; he is in custody since 20.04.2017 and conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

30.07.2018
yakub

(ARVIND SINGH SANGWAN)
JUDGE

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