

CRM-M-49334-2018 and
CRM-M-2947-2019

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49334-2018
Date of Decision: 11.07.2019

Lakhwinder Singh alias Lucky

.....Petitioner

Vs.

State of Punjab

.....Respondent

CRM-M-2947-2019

Lakhwinder Singh alias Lucky

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Veneet Sharma, Advocate,
for the petitioner.

Mr. A.P.S. Gill, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Learned counsel for the petitioner points out that though the police party consisting of 06 persons, who were stated to be on patrolling duty at the time when the petitioner and two ladies are stated to have been apprehended with the petitioner stated to have been carrying 390 grams of heroin in a polythene bag in his pocket, however, when the petitioner made an application to the trial Court to obtain the mobile phone records of the patrolling party, a reply was filed by the prosecution to the effect that the mobile phones of all members of the patrolling party, except one lady Head Constable Rajinder Kaur, had been deposited with the

office of the DSP (D) Tarn Taran, so as to 'maintain secrecy of the location of the police party.'

He next points out that after the petitioner was arrested, a raid is stated to have been conducted in a house which does not belong to the petitioner (under construction) but which the petitioner is stated to have taken the police party to, where another 350 grams of heroin was also found.

Learned State counsel on instructions from ASI Jaspal Singh, on the other hand, submits that the petitioner is a habitual offender against whom 08 FIRs stands registered all under the NDPS Act and as such, he does not deserve the concession of bail.

He further, on query of the Court, submits that as regards the mobile phones of the police party having been deposited in the office of the Deputy Superintendent of Police, that was as stated in the reply filed by before the trial Court, to the effect that it was maintain to secrecy.

On further query, he submits that as regards the trial pursuant to FIR No. 108 dated 10.10.2017 having been registered (in respect of CRM-M-49334 of 2018), 04 prosecution witnesses have been examined out of 10, and as regards the trial pursuant to FIR No. 134 of 13.10.2017 having been registered (in respect of CRM-M-2947 of 2019), 01 prosecution witness out of 10 has been examined.

In rebuttal, Mr. Sharma, learned counsel for the petitioner, submits that as regards the other FIRs registered against the petitioner just because the petitioner has been shown to be an accused in other FIRs, that cannot be used an excuse to implicate him falsely in yet more criminal cases.

Keeping in view the entire circumstances, also in view of the fact that the petitioner has been in custody since October 2017, I consider it appropriate to

allow these petitions.

Consequently, without making any comment on the actual merits of the case for or against the petitioner, these petitions are allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial Court (in both cases).

July 11, 2019
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes