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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44133-2019

Date of Decision: 26.11.2019

Lakhwinder Singh @ Lakha

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Manpreet Ghuman, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

...

Manoj Bajaj, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in a case FIR No.129 dated 25.07.2019 under Sections 21 and 22 of the NDPS Act, 1985 (Section 29 of the NDPS Act, 1985 added later on), registered at Police Station Dhanoula, District Barnala.

The FIR was registered on the basis of secret information, wherein it was informed that Gagandeep @ Gagi, Lakhwinder Singh @ Lakha and Hardeep Singh @ Nikka used to bring narcotic vials and tablets from the outer districts and sell them in City Dhanoula. As per the information, the said accused were rounding near Kaleke Bhikhi Dhanoula road and were having black bag with narcotic vials and tablets. Acting upon the same, a naka was laid and 22 vials of RC kuff were recovered from them.

Learned counsel for the petitioner contends that the FIR was registered on the basis of secret information without effecting any recovery.

She submits that the recovery was effected from open place, which is

accessible to all and the contraband was not found in conscious possession of the petitioner. It is submitted that according to the prosecution itself, the contraband was lying on the ground by the road side and three persons including the petitioner and two other co-accused were standing there. She further submits that the trial of the case is likely to consume considerable time and, therefore, further custody of the petitioner may not be justified. She has further submitted that the petitioner is not involved in any other case.

On the other hand, learned State counsel assisted by SI Gurjant Singh has opposed the prayer on the ground that challan is yet to be filed, however, it is not disputed that the said contraband was lying on the ground and three accused persons were standing by the road side.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner and the fact that he is not involved in any other case, his further custody may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Barnala.

The petition is allowed.

26.11.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No