

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

CRM-M No.2170 of 2020
Date of decision: 28th May, 2020

Lakho

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. H.S. Grewal, Addl. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Petitioner accused Lakho, who is in judicial custody since 13.11.2019, has come up in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.205 dated 21.09.2019 under Sections 22 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 pertaining to Police Station City Sunam, District Sangrur.

The allegations of the prosecution in brief are that during patrolling on 21.09.2019, the police on the basis of secret information apprehended a car bearing registration No.PB-13-BB-5668 in which two persons Jograj Singh alias Joga and Shinder Pal Singh were going and on search of the vehicle, 21000 intoxicant tablets were got recovered. It was

on the basis of the evidence, petitioner Lakho, who is owner of the vehicle in which the contraband was being transported, was apprehended.

Upon hearing learned counsel for the petitioner Mr. P.S. Sekhon, Advocate; learned State counsel Mr. H.S. Grewal, Addl. Advocate General, Punjab and on perusal of the records. It is the own stand of the State that recovery has been effected from the conscious possession of the co-accused Jograj Singh alias Joga and Shinder Pal Singh and the only averment that has come up against the petitioner is that she happens to be the owner of the car. Thus, it is a matter of evidence as to the culpability of the petitioner, who is in custody since a long time. Moreover, as has been conceded at the bar by learned State counsel, trial is yet to begin. In view of these special circumstances, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, she is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Sangrur. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 28, 2020

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No