

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-6653 of 2020

Date of Decision: November 04, 2020

Lakhvir Singh @ Monu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Varun Baanth, Advocate,
for the petitioner.

Mr. S.P.S.Tinna, Addl.A.G.Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.254 dated 17.10.2018, under Section 22 N.D.P.S.Act, 1985 and Sections 181, 192, 196, 190(2) Motor Vehicle Act, 1988, registered at Police Station, Samrala, District Ludhiana. The petitioner is in custody since his arrest on 17.10.2018.

As per the allegations in the FIR, on 17.10.2018, when the Police party was on patrol duty at village Khamnon, at about 8.40 p.m., then two boys riding on motorcycle (bearing No.PB-32-L-2469), were seen coming from side of Khamnon and the vehicle was signalled to stop. The driver of the motorcycle was carrying a backpack of black colour, whereas the pillion rider was holding a black colour bag on his thighs. On seeing the police, they tried to run away and on suspicion, they were apprehended.

Upon search, 48 injections of Buprenorphine and 20 vials injection of 10 ml

each were recovered from Jatinder Kumar, whereas 64 injections of Buprenorphine and 22 vials injections of 10 ml each were recovered from pillion rider i.e. Lakhvir Singh-petitioner. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the co-accused of the petitioner has already been released on regular bail vide order dated 22.01.2020 passed by this Court (Annexure P-2). He submits that till date, only one prosecution witness has been examined out of the total thirteen witnesses. According to him, the trial is likely to consume considerable time to conclude and, therefore, further custody of the petitioner may not be justified, particularly when he is not involved in any other case of similar nature.

On the other hand, learned State counsel assisted by ASI Rajinder Singh, has opposed the prayer on the ground that the alleged contraband falls in the commercial quantity. He has produced the custody certificate of the petitioner by way of affidavit of Satnam Singh, PPS, Deputy Superintendent, Central Prison, Ludhiana to contend that he is not involved in any other case of similar nature.

After hearing the learned counsel for the parties, this Court does not find any reason to decline the prayer when the case of the petitioner is almost similar to the co-accused, who has been released on regular bail. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may delay the conclusion of trial. The petitioner is presently confined in judicial custody since 17.10.2018 and his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the

merits of the case, the petition is allowed and 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/Duty Magistrate, Ludhiana.

November 04, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No