

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9271-2020 (O&M)

DATE OF DECISION: AUGUST 17, 2020

LAKHVEER SINGH @ GAGGU

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. PUNEET SHARMA, ADVOCATE FOR THE PETITIONER.
MR. RANA HARJASDEEP SINGH, DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

CRM-18680-2020

Notice of the application.

Mr. Rana Harjasdeep Singh, DAG, Punjab accepts notice on
behalf of the State and does not oppose the prayer made in the application.

For the reasons mentioned in the application, the date of
hearing is preponed to today.

Application stands disposed off.

CRM-M-9271-2020

Petitioner Lakhveer Singh @ Gaggi has filed this petition
under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR
No.0037 dated 17.3.2019, under Section 22 and 29 of NDPS Act, 1985,
Police Station Sadar Sangrur, District Sangrur. The petitioner is in custody
since his arrest on 22.1.2020

As per the allegations made in the FIR, on 17.3.2019, while the

police officials of Police Station Sadar Sangrur were on patrolling duty for checking of suspicious persons near the bridge of minor canal in the limits of Upali, at about 11.30 a.m., a secret information was received that Lakhveer Singh @ Gaggu, resident of Upali who was habitual of selling intoxicant tablets was bringing the same to hand over to his stepfather Jarnail Singh @ Jaila, who further sells the same in villages and if a nakabandi is laid on the bridge of minor canal, he could be apprehended with heavy quantity of intoxicant tablets.

Learned counsel for the petitioner contends that the alleged contraband was recovered from the conscious possession of accused Jarnail Singh (father of the petitioner) and on his disclosure statement, the petitioner was indicted as an accused. He submits that except for this present case, the petitioner is not involved in any other similar case and the nature of evidence collected by prosecution is comparatively weak as far as the petitioner is concerned. He submits that further custody of the petitioner in the given facts may not be necessary, as the trial is likely to consume considerable time. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI Ajaib Singh has opposed the aforesaid prayer on the ground that the recovered contraband falls under commercial quantity, however, it is not disputed that the said recovery was effected from co-accused Jarnail Singh. According to him, the charges in this case were framed by the trial Court on 18.2.2020, however, out of total 15 prosecution witnesses, no one has been

examined so far.

After hearing the learned counsel for the parties this Court is of the opinion that the investigation of the case is complete, but trial of the case is likely to consume considerable time in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread, therefore, further custody of the petitioner may not be justified. The petitioner is presently confined in judicial custody and is not required for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

August 17, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No