

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-9713 of 2020

Date of Decision: October 13, 2020

Lakhwinder Singh @ Lakha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Karamjeet Singh Brar, Advocate for
Mr. Gurpal Singh Sandhu, Advocate,
for the petitioner.

Mr. Manpreet Singh Nagra, AAG, 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.59 dated 28.04.2019, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Vairo Ke, District Fazilka. The petitioner is in custody since his arrest on 28.04.2019.

As per prosecution, on the basis of the secret information, the petitioner was apprehended and 250 tablets of CLOVIDOL-10 SR, 280 tablets of CLOVIDOL-100 SR, 500 tablets of CLOVIDOL-10 SR and 300 tablets of ROLIN were recovered from him.

Learned counsel for the petitioner contends that except for the present case, the petitioner is not involved in any other similar case. According to him, the charges in the case were framed on 18.09.2019, but no witness out of total eleven witnesses has been examined so far by the prosecution. He submits that the trial is likely to consume considerable time to conclude, therefore, he prays for grant of regular bail, during the

pendency of the trial.

On the other hand, learned State counsel, assisted by ASI Gurdyal Singh, has opposed the prayer on the ground that the recovered contraband (1330 tablets) falls within the ambit of commercial quantity and, therefore, the petitioner does not deserve the concession of bail. However, it is not disputed by him that the prosecution has not examined even a single witness out of the total eleven witnesses.

After hearing the learned counsel for the parties, this Court finds that after completion of investigation of the case, the final report has been filed and the charges were framed on 18.09.2019, but the trial is yet to commence. 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 28.04.2019 and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

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, Fazilka.

October 13, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No