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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15001-2020

Date of decision-29.06.2020

Lakhwinder Singh @ Kalu @ Shaddy

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ranjit Singh Sidhu, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Lakhwinder Singh @ Kalu @ Shaddy has filed this petition under Section 439 Cr.P.C for grant of bail in case FIR No.76 dated 04.05.2019 registered under Sections 22 and 61 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Sangrur, District Sangrur, pending trial. The petitioner is in custody since his arrest on 04.05.2019.

As per the prosecution case, on 04.05.2019, at about 5.00 P.M. when SI Paramjit Singh along with other Police officials was present at 'T' point Kulra Link Road in the area of Kheri in connection with patrol duty, a secret information was received regarding sale of intoxicants by Lakhwinder Singh @ Kalu @ Shaddy (petitioner) and Beera Singh. Acting upon the same, 600 and 450 intoxicating tablets of Clovidol 100 SR were recovered

from their possession.

Learned counsel for the petitioner contends that the trial is likely to consume considerable time to conclude in view of spread of pandemic, namely, COVID-19. It is pointed out that his co-accused, namely, Beera has been released on regular bail vide order dated 18.11.2019 passed by this Court in CRM-M-47948-2019 (Annexure P-2). It is prayed that during the pendency of the trial, the petitioner be released on bail as his further custody may not be necessary.

On the other hand, learned State counsel assisted by ASI Baljinder Singh opposed the prayer on the ground that the case is now fixed for recording the explanation of accused under Section 313 Cr.P.C., as the prosecution has examined all its witnesses. She has submitted that co-accused who has been released on bail vide order dated 18.11.2019 was extended the benefit of his advanced age whereas the petitioner is a young person, therefore, cannot claim parity with him. However, it is not disputed by learned State counsel that the petitioner is not involved in any other case much less of the similar nature.

Considering the custodial period of petitioner, which is more than one year, and the stage of the trial, this Court does not find any reason to decline the prayer as the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread. The petitioner is confined in judicial custody and his further detention behind the bars 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 in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Sangrur.

The petition is allowed.

29.06.2020

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(MANOJ BAJAJ)
JUDGE

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