

102-A

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17147-2020
Date of decision-26.10.2020

Lakhwinder Singh @LakhaPetitioner

Vs.

State of Punjab ...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Naveen Sharma, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.102 dated 25.07.2019 registered under Section 22 Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 NDPS and Section 473 IPC added later on) at Police Station Sadar Ludhiana, District Ludhiana. The petitioner is in custody since his arrest on 25.07.2019.

As per the prosecution case, on 25.07.2019, when Police officials were present at gate of Mehboobpura Dhandran road, in connection with patrol duty, a secret information was received regarding involvement of Amandeep Singh @ Meesha (petitioner) and Daljit Singh @ Riku in business of selling intoxicant powder. Acting upon the same information, accused were apprehended and upon search 60 grams of intoxicating powder was recovered.

has been falsely implicated in this case. It is further pointed out that recovery of 60 grams of intoxicant powder is marginally above the non-commercial quantity. He has submitted that though the charges were framed on 08.11.2019, but only few witnesses have been examined so far by the prosecution and the trial is being delayed as a result of outbreak of Pandemic COVID-19. He prays that the petitioner be released on regular bail.

On the other hand, learned State counsel assisted by ASI Davinder Singh has opposed the prayer on the ground that the recovered contraband falls within the ambit of commercial quantity. He on instructions further states that the prosecution has examined 05 witnesses out of the total 14. Learned State counsel pointed out that as per custody certificate, the petitioner is involved in other cases and has already been convicted in two such cases.

At this stage, learned counsel for the petitioner submits that recovery was effected from vehicle which was driven by co-accused, and therefore, it would be seriously debatable if the alleged contraband was in the conscious possession of the petitioner.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete and the charges were also framed on 08.11.2019. It is apparent that the trial is progressing at a slow pace. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody since 25.07.2019 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, 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 concerned.

The petition is allowed.

26.10.2020

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

(MANOJ BAJAJ)
JUDGE

No
No