

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 22663 of 2020
Date of Decision: 04.11.2020**

Lakhbir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Gobind Singh Randhawa, Advocate
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is the third petition under Section 439 Cr.P.C. for regular bail in FIR No. 57 dated 08.9.2017 under Sections 21/61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Khem Karan, District Tarn Taran.

Custody certificate by way of affidavit of Deputy Superintendent, Central Jail, Amritsar has been filed through e-mail. Copy of the same is taken on record.

Learned counsel for the petitioner submits that petitioner has been in custody since 08.9.2017 and the alleged recovery effected from the petitioner is marginally higher than the commercial quantity.

Learned counsel further submits that the petitioner has been facing acute health problems in the jail and has been hospitalized a number

of times.

Learned State counsel has pointed out that the petitioner belongs to Disciplined Force and has been involved in the present case. He further submits that there are three more cases against the petitioner, out of which he has been acquitted in one case, in other case, he has been convicted for 10 years and in one case, he has been convicted for three months which has already undergone by him. Learned counsel further submits that in the present case charges have been framed and out of 12 prosecution witnesses, 04 witnesses have been examined.

I have heard the learned counsel for the petitioner and the learned State counsel.

In the present case, the petitioner belongs to Disciplined Force but as per the custody certificate, he has been involved in a number of cases. As per the allegations in the FIR, the petitioner was found in possession of 295 grams of heroin. The recovery effected from the petitioner is heavy and falls under the commercial quantity and, thus, the provisions of Section 37 of the Act have been attracted. The allegations against the petitioner are serious in nature.

No ground for grant of regular bail to the petitioner is made out.

The petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

November 04, 2020
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No