

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

SANJIV KUMAR SHARMA
2020/11/17 10:47
I attest to the accuracy and
authenticity of this document

CRM-M-35955-2020

Date of decision : 9.11.2020

Lakhwinder Singh

..... Petitioner (s)

Versus

State of Punjab

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Vipin Mahajan, Advocate
for petitioner.

Mr. H.S. Sullar, DAG Punjab.

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HARINDER SINGH SIDHU, J.

The case is taken up through video conferencing on account of COVID 2019.

This is a petition filed under Section 439 Cr.P.C. for grant of bail in case FIR No. 108, dated 3.8.2020, registered under Sections 21 (c), 29 of NDPS Act, 1985 at Police Station Qila Lal Singh, District Gurdaspur, Punjab.

As per allegations in FIR, police party received secret information that Jagdeep Singh who is in custody in connection with recovery of heroin has formed a gang in connivance with Lakhwinder Singh (petitioner) and Surinder Pal Singh. They all talk with smuggler on phone and indulge in smuggling of heroin. They keep heroin in their houses and sell it to customers in border area and if a raid is conducted in house of petitioner, large quantity of heroin could be recovered.

On receipt of this information, the house of petitioner was raided, however, no contraband was recovered from there. Petitioner was arrested on 4.8.2020. It is alleged that on the basis of his disclosure statement, 525 gms of heroin alongwith plastic envelope was recovered from the house of co accused Jagdeep Singh which was kept concealed under the bricks.

Learned counsel for petitioner states that petitioner is 52 years of age and has absolutely clean antecedents. There is no case pending against him under the provisions of Indian Penal Code and NDPS. He states that Panchayat Members and Lambardar of village Umerewal, Tehsil Batala, District Gurdaspur have stated that the petitioner is a labourer and the allegations levelled against him

are false. He further states that co-accused Jagdeep is already in custody in some other case.

Without commenting anything on merit of case and also bearing in mind the fact that petitioner is in custody since 4.8.2020 and trial of case may take a long time, no useful purpose will be served by detaining petitioner behind bars till the conclusion of trial. Accordingly, petition is allowed. Petitioner Lakhwinder Singh is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate/Illaq Magistrate concerned.

(HARINDER SINGH SIDHU)
JUDGE

9.11.2020

sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No