

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-3695-2021 (O&M)
DECIDED ON: 2nd JULY, 2021**

LAKHWINDER SINGH @LUCHA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Hitesh Chopra, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

CRM-M-14326-2021

This is an application for preponment of case.

Disposed of as infructuous.

Main case:-

This is a petition for regular bail in case FIR No. 37, dated 14th May, 2020, under Section 21 and 22 of Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS) registered at Police Station Kahnuwan, District Gurdaspur.

The brief facts of the case are that on secret information a car bearing registration no. PB-01-B-1043 was checked. There were three occupants, including the driver. On search 94 intoxicating capsules were recovered from Jitesh Saini @ Jeetu, 104 intoxicating capsules were recovered from Raman Kumar and 293 intoxicating tablets were recovered from Lakhwinder Kumar @ Lucha. Currency notes of Rs. 51,500/- and a weighing scale were also recovered.

Learned counsel for the petitioner submits that no recovery is to be made and the challan has been presented. Contention is that the recovery is of non-commercial quantity.

Learned State counsel opposes the grant of bail and argues that there was recovery of weighing scale and money in addition to the intoxicating substances. She further submits that the petitioner is also involved in other six cases in which he is under trial. She further submits that challan was presented and charges framed on 22.12.2020.

Learned counsel for the petitioner submits that the petitioner is on bail in other all other cases.

Considering the facts; that recovery of 293 intoxicating tablets falls in non-commercial quantity; Petitioner is in custody since 14.05.2020, no recovery is to be made; investigation is complete and conclusion of trial is likely to take time, present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing surety/bail bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

However, it is clarified that anything stated hereinabove shall not be construed as an expression on the merits of the case and is only for the purpose of deciding the bail application.

2nd JULY, 2021

shabha

**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*