

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

CRM-M-6190-2021
Date of Decision : 18.03.2021

Lakhbir Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 04 dated 06.01.2020 under Section 22(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Fatehabad, District Fatehabad, Haryana.

Learned counsel for the petitioner submits that as per allegations in the FIR, the Investigating Officer, on suspicion, stopped a car and on inquiry, the driver told his name as Pappu Ram, whereas, the petitioner was the second passenger. Thereafter, on checking of the said car, 25.10 grams of Heroin was recovered.

Learned counsel for the petitioner further submits that the entire investigation was done by the same Investigating Officer and later on, a message was sent to the Police Station, hence, it will be a debatable issue whether the proper procedure was followed during investigation or not.

Learned counsel for the petitioner further submits that co-accused Pappu Ram has already been granted concession of regular bail by the trial

Court, whereas, the petitioner is in custody for the last about 01 year 02 months and 10 days and it will take a long time in conclusion of the trial.

Learned State counsel has filed custody certificate in the Court, as per which, the petitioner is involved in one more FIR bearing No.198 dated 23.04.2016 under Section 21-B of the NDPS Act, in which he was convicted for 03 years and the said sentence has been suspended by this Court as petitioner has already undergone 08 months and 13 days of custody.

Learned State counsel further submits that till date no prosecution witness has been examined as the trial was delayed due to COVID-19 situations.

I have heard learned counsel for the parties.

Without commenting on the merits of the case and considering the aforesaid submissions made by learned counsel for the parties, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

18.03.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No