

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

224

CRM-M-22449-2021

Date of decision : 29.11.2021.

Lakhvir Singh alias Lakhi

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. C.S. Jattana, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.07 dated 25.01.2021, under Sections 22/29/61/85 of the NDPS Act registered at Police Station Ajitwal, District Moga.

Learned counsel for the petitioner contends that the petitioner is neither named in the FIR nor any recovery has been effected from him. The petitioner has been arraigned as an accused on the statement of co-accused Kulwinder Singh from whom recovery of intoxicant tablets containing Tramadol of commercial quantity has been effected. Besides the statement of co-accused, there is no *prima facie* material which would connect the petitioner with the commission of offence. No recovery has been effected from the petitioner even after his arrest in the instant case. He also contends that the petitioner is in custody for over nine months since his arrest on 17.02.2021.

Learned State counsel, upon instructions from ASI Faily Singh, states that although 01 out of 18 prosecution witnesses has been examined. She also contends that the petitioner is involved in several other cases under the

NDPS Act. She, however, is not in a position to controvert the submissions of learned counsel for the petitioner that no recovery has been effected from the petitioner in the instant case. She has filed the custody certificate in Court, which indicates that the petitioner is in custody for 09 months and 03 days as on 27.11.2021.

Heard.

In view of the above especially when the petitioner is in custody for over nine months, no recovery has been effected from him, the Covid-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

At the time of release of the petitioner, the SHO, Police Station Ajitwal, District Moga shall be informed. The petitioner shall appear before the SHO concerned on every alternate Monday and shall furnish his mobile number to him/her. The petitioner shall also keep the location of his phone on till the conclusion of the trial.

(ANUPINDER SINGH GREWAL)
JUDGE

November 29, 2021
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No