

CRM-M-29399-2021

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

CRM-M-29399-2021

Date of decision: 27.08.2021

Lakhbir Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vinod K. Kataria, Advocate,
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G.Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.57 dated 08.09.2017, registered at Police Station Khem Karan, District Tarn Taran, under Section 21 NDPS Act, 1985 and Sections 25 and 27 of the Arms Act, 1959.

Learned counsel for the petitioner contends that though the recovery of heroin allegedly effected from the petitioner, falls under the commercial quantity, yet the fact remains that in spite of the direction to the trial Court to expedite the trial, as per the order dated 31.01.2020, passed in CRM-M-30194-2019, while disposing of the first petition of the petitioner, some of the prosecution witnesses are yet to be examined. The petitioner has been in custody since 08.09.2017. So far as other cases pending against the petitioner, are concerned, he stands released on bail.

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On the other hand, learned State counsel, while opposing the submissions made by the learned counsel for the petitioner, submits that the recovery effected from the petitioner falls under the commercial quantity; that the petitioner is a habitual offender, and that out of 12 witnesses, 08 have been examined.

I have heard the learned counsel for the parties.

The present FIR was registered way back on 08.09.2017. The petitioner has been in custody for the last more than 03 years and 11 months. Some of the prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon, especially due to Covid-19. Therefore, no useful purpose would be served by keeping the petitioner behind the bars. Moreover, the petitioner stands released on bail in other cases pending against him.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

27.08.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No