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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-26946-2020
Date of Decision: 22.02.2021

Lakhwinder Singh @ Lakha

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Aminder Singh, Advocate for the petitioner.

Mr. Bhupinder Beniwal, AAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.03 dated 13.01.2018 registered under Section 15 NDPS Act, 985 at Police Station Sadar Nabha, District Patiala. The petitioner is in custody since his arrest on 13.01.2018.

The FIR was registered on the basis of a secret information and the allegations noticed by the ld. Judge, Special Court, Patiala in the order dated 13.03.2018, while declining the bail application of petitioner, read as under:

> *"As per case of proseuction, on 13.01.2018, the accused/applicant was found in possession of 7 plastic bags containing broken pods of poppy plant i.e. each bag containging 10/10 kg while travelling in car bearing registration No.PB 65T 3385, by the police party headed by Inspector Saminder Singh, CIA Statt Nabha, at bridge canal village Thuhi, where the police party had laid a picket in connection with patrolling and checking of bad elements. The other occupant of car in which accused/applicant was travelling and two other persons traveling car bearing No. PB 13BA 0943 had fled away from the spot. From the said other car, 6 plastic bags containing broken pods of poppy plant i.e. Each bag containg 10/10 kg, were also recoverd."*

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Learned counsel for the petitioner prays for regular bail on the ground that the petitioner is in custody for more than three years and the trial has not concluded so far.

Learned State counsel, on instruction from ASI Labh Singh, has stated that the petitioner is involved in three more cases of similar nature.. According to him, the recovery of 70 kgs of poppy husk was made from the vehicle driven by the petitioner, who was arrested on the spot and similar quantity was recovered from another vehicle which was following petitioner's vehicle. Learned State counsel further states that in all, there are 20 prosecution witnesses and 11 witnesses have already been examined and the case is now fixed for 25.02.2021 before trial Court and three more prosecution witnesses have been summoned for their examination.

After hearing the learned counsel for the parties and considering the above background, this Court does not find it to be a fit case for releasing the petitioner on regular bail, particularly when the trial is at the fag end.

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

22.02.2021
Jasmine Kaur

Whether speaking/reasoned Yes No
Whether reportable Yes No

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