

CRM-M-30416-2020
Date of decision-21.12.2021

Lakhwinder Singh Vs. **....Petitioner**
State of Punjab **...Respondent**

Present: Mr. L.S.Sekhon, Advocate for
Mr. J.S.Sandhu, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.200 dated 12.10.2019 registered under Sections 22 and 29 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Dirba, District Sangrur. The petitioner is in custody since his arrest on 12.10.2019.

As per prosecution case, on 12.10.2019, 1500 intoxicant tablets in 150 strips having 10 tablets each of Alprasafe 0.5 containing psychotropic substance, i.e., Alprazolam were recovered from the possession of the petitioner and his co-accused Charanjit Singh and 1200 tablets in 120 strips having 10 tablets each as Alprasafe 0.5 were recovered from the possession of co-accused Gurdhian Singh.

Learned counsel for the petitioner has argued that in all 1500 tablets were recovered from petitioner and co-accused, who was

riding on motorcycle and his co-accused, namely, Charanjit has been released on bail vide order dated 07.07.2020 passed in CRM-M-15947-2020. He submits that the petitioner is in custody for the last more than two years, but the trial is yet to commence as the charges have been recently framed on 29.11.2021. He prays for bail.

On the other hand, learned State counsel assisted by HC Satgur Singh, while opposing the prayer has argued that the petitioner is involved in another case bearing FIR No.179 dated 12.09.2019 registered under Sections 22 and 29 NDPS and Section 61 Excise Act, at Police Station Dirba and the recovered contraband falls under commercial quantity. However, it is not disputed that no prosecution witness has been examined so far out of total 16 witnesses. He on instructions further states that investigation of the case is complete and charges were framed on 29.11.2021 and the next date for recording the prosecution evidence before the trial Court is 18.01.2022.

At this stage, learned counsel for the petitioner has argued that in the another case mentioned by State counsel, the contraband was recovered from co-accused and on their disclosure statement, the petitioner was implicated as an accused.

After hearing the learned counsel for the parties, considering the above background as well as the custody of the petitioner, this Court finds that the conclusion of trial is likely to consume considerable time, therefore, further custody of the petitioner

may not be justified for any useful purpose, who is presently confined in judicial custody after his arrest on 12.10.2019. Further, the material witnesses are either the complainant or other officials and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

21.12.2021
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No