

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Criminal Misc.-M No.32427 of 2020  
Date of Decision: February 25, 2021

Kuldeep Singh & others

...Petitioners

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Sandeep Verma, Advocate,  
for petitioner No.1-Kuldeep Singh

Mr. Jimmy Singla, Advocate,  
for petitioner No.2-Buta Khan.

Mr. Gopal Singh Nahel, Advocate,  
for petitioner No.3-Lavpreet Singh.

Mr. Ramdeep Partap Singh, DAG, Punjab.

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**MANOJ BAJAJ, J. (Oral)**

Petitioners have filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.113 dated 22.05.2019, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Lehra Sangrur, District Sangrur. The petitioners are in custody since their arrest on 22.05.2019.

As per prosecution, a secret information was received by the police that accused, namely, Kuldeep Singh @ Vakeel, Buta @ Laddi and Lavpreet Singh are involved in selling intoxicating tablets, who would be coming on motor-cycle bearing No.PB-13-AA-1393 from Haryana. Acting upon the said information, the barricading was done and the above-named accused were apprehended. The motor-cycle was being driven by Buta

Khan, whereas the other two persons, namely, Kuldeep Singh and Lavpreet Singh were pillion riders. Upon search of the bag held by Kuldeep Singh, 2400 intoxicating tablets were recovered.

Learned counsels appearing on behalf of petitioners-Buta Khan and Lavpreet Singh have argued that the vehicle belongs to co-accused Kuldeep Singh, who was holding the bag and, therefore, the alleged contraband was recovered from him. According to them, it would be debatable if the said contraband was found in conscious possession of petitioners Buta Khan and Lavpreet Singh, who incidentally were accompanying co-accused Kuldeep Singh. It has been pointed out that in all there are total seventeen prosecution witnesses and the trial is likely to consume considerable time, therefore, they be released on bail as they are not involved in any other case of similar nature.

The prayer is opposed by the learned State counsel, assisted by ASI Tarsem Lal, on the ground that the recovered contraband would fall within the ambit of commercial quantity. He further states that after completion of investigation, final report was submitted on 31.10.2019 and the prosecution has examined four witnesses during trial. He, on instructions, further states that accused Kuldeep Singh is involved in other case of similar nature, whereas petitioners Buta Khan and Lavpreet Singh are not involved in any other case of similar nature.

After hearing the learned counsel for the parties and considering the above background, this court finds that the petitioners (Buta Khan and Lavpreet Singh) are in judicial custody after their arrest and the trial is likely to consume considerable time to conclude as still thirteen witnesses remain to be examined on behalf of prosecution. Admittedly,

petitioners Buta Khan and Lavpreet Singh are not involved in any other case of similar nature, therefore, their further detention behind the bars may not serve any useful purpose. However, petitioner Kuldeep Singh is involved in another case of similar nature also, therefore, he does not deserve the concession of regular bail.

Resultantly, without meaning any expression of opinion on the merits of the case, the prayer on behalf of petitioners Buta Khan and Lavpreet Singh is accepted and it is ordered that they be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Sangrur.

The prayer on behalf of petitioner Kuldeep Singh is declined.

The petition is partly allowed.

**February 25, 2021**  
**ramesh**

**( MANOJ BAJAJ )**  
**JUDGE**

**Whether speaking/reasoned**  
**Whether Reportable:**

**Yes/No**  
**Yes/No**