

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.41525 of 2021
Date of decision:08.10.2021

Lakhwinder Singh @ Lakha

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Suman Kumari, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL J.(ORAL)

Heard through video conferencing.

This is the second petition filed by the petitioner under Section 439 of Cr.P.C. seeking grant of regular bail in case FIR No.214 dated 25.09.2019, Annexure P-1, registered for offence under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, (for short - “the NDPS Act”) at Police Station Lambi, District Sri Muktsar Sahib. First petition (CRM-M-992-2020) filed by the petitioner was withdrawn on 14.09.2021 with liberty to file a fresh one with better particulars.

As per the case of the prosecution, FIR, Annexure P-1, has been registered on the allegation that two persons were intercepted and recovery of 196 strips containing 10 tablets each of *Tramadol Hydrochloride* were recovered from them. The said persons identified themselves as Lakhwinder Singh @ Lakha (present petitioner) and Gora Singh, who were arrested at the spot.

Counsel for the petitioner has submitted that the petitioner has been falsely framed and he has no connection with the co-accused. It has

been submitted that the custody period of the petitioner, which by now is more than two years, entitles him to be released on bail. Reliance has been placed on order dated 14.09.2021, Annexure P-2, whereby co-accused, Gurlal Singh @ Gora Singh, has been granted the concession of regular bail.

On the other hand, learned State counsel while inviting the attention of the Court to Section 37(i)(b) of the Act submits that as the contraband recovered from the possession of the petitioner has been found to be 804 grams of *Tramadol Hydrochloride*, the bar under the said provision is attracted. He submits that the petitioner is not at par with the co-accused.

Having considered the facts and circumstances of the case, this Court is of the view that the petitioner, who is involved in four other cases, three of which have been registered against him for offences under the NDPS Act, is not entitled to be released on bail. Recovery allegedly effected from the petitioner falls within the ambit of commercial quantity.

Petitioner cannot draw parity with the co-accused, who was ordered to be released on bail considering his clean antecedents.

Petition being bereft of any merit, is ordered to be dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

08.10.2021

(SUVIR SEHGAL)
JUDGE

sheetal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No