

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-11535-2021

Date of Decision: 22.8.2022

Lakhvir Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Deepak Gupta, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.02 dated 2.1.2021 registered for the offences punishable under Sections 21, 22 of NDPS Act at Police Station Sadar Moga, District Moga.

Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; that co-accused Navjot Singh and Shinda Singh have already been granted regular bail by the Coordinate Bench of this Court vide orders dated 5.1.2022 and 10.8.2021 respectively. He further submits that the petitioner is behind the bars for the last more than one year and seven months and is not facing any other criminal case. He further submits that till date, no prosecution witness has been examined by the trial Court, meaning thereby, that the trial is not progressing further. Counsel for the petitioner while referring to orders passed by Hon'ble Supreme Court in SLP (Crl.) No.5769 of 2022; Nitish Adhikary @ Bapan v.

State of West Bengal passed on 1.8.2022 and SLP (Crl.) No.4173 of 2022; Shariful Islam @ Sarif v. State of West Bengal decided on 4.8.2022, submits that under similar circumstances, the accused were granted regular bail as they suffered incarceration for over one year and six months and there being no likelihood of completion of trial in the near future.

The present petition is resisted by the State counsel who submits that the present case is with regard to recovery of commercial quantity of contraband from the possession of the petitioner. However, State counsel has not refuted the fact that co-accused Navjot Singh and Shinda Singh have already been granted regular bail by the Coordinate Bench of this Court. He has also not disputed the fact that the trial is at preliminary stage as till date, no prosecution witness has been examined. Custody period of the petitioner has also not been disputed.

As per custody certificate, the petitioner has already undergone custody for a period of more than one year and seven months and presently, he is not facing any other criminal case under NDPS Act. The trial is at its initial stage and after framing of charges, no prosecution witness has been examined till date. Under similar circumstances, Hon'ble Supreme Court has granted bail to the accused persons namely Nitish Adhikary @ Bapan and Shariful Islam @ Sarif as is evident from orders dated 1.8.2022 and 4.8.2022 (supra).

In view of above, this Court is of the view that no purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be

released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

August 22, 2022

Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No