

225 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10948-2022
Date of Decision: 21.03.2022

LAKHWINDER SINGH ... PETITIONER
VS.
STATE OF PUNJAB .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. P.S.Sekhon, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

The petitioner has prayed for grant of regular bail in case FIR No.202, dated 02.08.2019, under Sections 22 and 29 of the NDPS Act, registered at Police Station Sadar Dhuri, District Sangrur.

In pursuance of advance notice, Mr. Luvinder Sofat, AAG, Punjab has joined the proceedings and placed on record custody certificate.

Briefly the FIR has been registered in pursuance of recovery of 2500 tablets of Tramadol from the conscious possession of the petitioner

It has been contended by learned counsel for the petitioner that the petitioner is in custody for a period of 2 years, 5 months and 20 days, only 2 out of 12 witnesses have been examined so far and he is not involved in any other case under the NDPS Act.

Learned counsel for the petitioner has sought to rely upon the decision of Supreme Court rendered in Criminal Appeal No.668 of 2020 titled as **“Amit Singh Moni Vs. State of Himachal Pradesh”**, wherein bail has been granted to the accused in a case pertaining to the recovery of

commercial quantity, after he had completed more than 2 years and 7 months of actual custody.

Learned State counsel has resisted the bail application on the score that the quantity of contraband recovered in the instant case falls in the category of commercial quantity.

It is no doubt true that the quantity of contraband in the instant case falls in the category of commercial quantity, but in the aforesaid decision of the Supreme Court rendered in Amit Singh Moni's case (supra), bail has been granted to the accused on the ground of long incarceration and particularly when the trial was not progressing. Even in the instant case, the petitioner is in custody for a period of 2 years, 5 months and 20 days and only 2 out of the total 12 witnesses have been examined so far. Moreover, the petitioner is not involved in any other case under the NDPS Act.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any expression of opinion on the merits of the case, 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 concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

21.03.2022
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(VIVEK PURI)
JUDGE

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