

**CRM-M-16448-2021 (O&M)
Date of decision-23.11.2022**

Lakhwinder Singh @ Kala

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jitender Singh Dadwal, Advocate for the petitioner.

Mr. Kunal Muthreja, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.56 dated 31.05.2018 registered under Sections 21, 25, 29 of NDPS Act, 1985 at Police Station Jhabal, District Tarn Taran, who is in custody since his arrest on 31.05.2018.

As per the allegations in the FIR, on 31.05.2018, the police party apprehended the accused persons, namely, Mukhtar Singh @ Kala and Lakhwinder Singh @ Kaka (petitioner), who were riding on black coloured motor cycle without number plate and were coming from the side of Village Panjwar at fast speed, and upon their search by police, 255 grams of '*heroin*' was recovered.

Learned counsel for the petitioner has argued that the recovered

contraband (255 grams of ‘heroin’) is marginally above the non-commercial quantity and the petitioner is confined in custody for the last more than 4 years, but the trial is yet to conclude. He prays for bail.

Learned State counsel has filed custody certificate of the petitioner by way of affidavit of Balbir Singh, PPS Additional Superintendent, Central Jail, Shri Goindwal Sahib. Learned State counsel has argued that the petitioner was carrying commercial quantity of ‘heroin’ when he was arrested and apart from this case, he is involved in number of other cases of similar nature.

At the stage, learned counsel for the petitioner does not dispute the involvement of the petitioner in other cases, but according to him, in other cases, he is on bail.

After hearing the learned counsel for the parties and considering the above background, particularly, the involvement of the petitioner in cases of similar nature, this Court is not inclined to extend the concession of regular bail to him.

Resultantly, the present petition is dismissed.

However, as the trial is still pending since 2018 after framing of charges on 18.12.2018, the trial Court is directed to conclude the trial expeditiously preferably within a period of four months.

(MANOJ BAJAJ)
JUDGE

23.11.2022
geeta

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