

CRM-M-16855-2022

Date of decision: 24.08.2022

Lakhbir Singh @ Lakha

...Petitioner

Versus

State of Haryana

...Respondent

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Parminder Singh Sekhon, Advocate for the petitioner.
Mr. Pawan Kumar Longia, DAG, Haryana

B.S. WALIA, J. (Oral)

1. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner during pendency of trial in case FIR No.102 dated 21.07.2020, registered under Sections 22-C, 27-A and 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985, at Police Station Jakhal, District Fatehabad.

2. Learned counsel for the petitioner contends that recovery of 1000 tablets of Tramadol hydrochloride, total weighing 422 grams was made from the pillion rider wife of the petitioner on the motorcycle being driven by the petitioner and that the petitionerswife was released on bail vide order dated 01.06.2022, under Section 167(2) of Cr.P.C. Learned counsel contends that the petitioner has been in custody since 21.07.2020 i.e. for a period of close to two years and two months, challan was filed on 07.10.2020, charges were framed on 06.04.2022 and out of nineteen prosecution witnesses only two have been examined till date and that no doubt the petitioner was involved in another FIR No.233 dated 14.07.2015, registered under Sections 15 and 21 of the NDPS Act, at Police Station SadarTohana, yet he has been acquitted in said case and no appeal has been filed against the said decision,

petitioner is entitled to be released on bail in view of various pronouncements of Hon'ble the Supreme Court.

3. The same is vehemently opposed by the DAG, Haryana, who states that there are a number of decisions of Hon'ble the Supreme Court that mere long period of incarceration is no ground for release on bail especially in view of the bar contained under Section 37 of the NDPS Act. Learned DAG, Haryana, further states that as far as grievance of the petitioner with regard to non-compliance of Section 42 of the NDPS Act, is concerned, the prosecution would examine the material witnesses in respect thereto at the earliest, whereafter, if so advised, the petitioner may file a fresh petition for bail, in accordance with law, if the circumstances of the case so warrant.

4. The same is acceptable to learned counsel for the petitioner.

5. Accordingly, in the light of the position noted above, the instant petition is disposed of by directing the learned trial Court to expedite the conclusion of the trial and in the meantime to examine the Investigating Officer, within two months from today, while leaving it open to the petitioner to file a fresh petition for bail, after the examination of the Investigating Officer, if the circumstances of the case so warrant.

6. Petition stands disposed of with the aforementioned directions.

(B.S. WALIA)
JUDGE

24.08.2022
rajesh

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| 1. Whether speaking/reasoned | : | Yes/No. |
| 2. Whether reportable | : | Yes/No. |