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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32128-2022 (O&M)
Date of Decision:08.09.2022

Lakhwinder Singh @ Lakha

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Manpreet Ghuman, Advocate for the petitioner.

Mr. Kunal Muthreja, AAG, Punjab.

...

Manoj Bajaj, J. (Oral)

CRM-25963-2022

Application is allowed, as prayed for.

CRM-M-32128-2022

Petitioner has filed this seventh petition for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.03 dated 13.01.2018 registered under Sections 15/25/29/61/85 NDPS Act at Police Station Sadar Nabha, District Patiala. The petitioner is in custody since his arrest on 13.01.2018.

As per the case of the prosecution, on 13.01.2018, when police party was patrolling, it had stopped two cars i.e. Chevrolet Megna and Swift Dzire and their occupants tried to escape. The driver of Chevrolet Megna car bearing No.PB-T-3385 was apprehended, who disclosed his name as Lakhwinder Singh @ Lakha, whereas his companion and two occupants in Swift Dzire car managed to run away, who were identified as Harbhajan Singh s/o Malkit Singh, Balwinder Singh @ Rubi s/o Buta Singh and his

relative Babu respectively. Thereafter, the search of the vehicle was conducted and from the car driven by Lakhwinder Singh @ Lakha, 7 bags each containing 10 kgs of raw poppy husk were recovered, whereas from the other vehicle, 7 bags each containing 10 kgs of raw poppy husk were recovered. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that the petitioner was allegedly driving Chevrolet Megna car and 70 kgs of poppy husk was recovered from the said vehicle. She has argued that the petitioner is in custody for nearly four years and eight months, but the trial is yet to conclude, as only twelve prosecution witness have been examined. She has argued that the co-accused have already been released on bail, therefore, the petitioner be also extended the concession of regular bail.

Learned State counsel assisted by ASI Harjinder Lal, has opposed the prayer on the ground that the alleged contraband recovered from the petitioner falls within the ambit of commercial quantity. He has produced the custody certificate dated 07.09.2022 by way of affidavit of Jaspal Singh Khaira, Deputy Superintendent, New District Jail, Nabha, which indicates that the petitioner was convicted in one case, wherein he was imposed sentence for undergone period only and presently, no other case is pending against him. It is not disputed that the co-accused of the petitioner have been released on bail, and charges against the petitioner were framed on 01.06.2018, but eight prosecution witnesses still remain to be examined.

After hearing the learned counsel for the parties and considering the above background, particularly the custodial period of the petitioner and the fact that the co-accused of the petitioner have been

released on bail, this Court is of the opinion that his further detention behind the bars may not be necessary for any useful purpose, as the trial would consume considerable time to conclude. Apart from it, the material witnesses are police officials and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

08.09.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No