

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-40855-2021 (O&M)

Date of Decision:- 25.5.2022

Lakhveer Singh @ Lali

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Munish Garg, Advocate, for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Gurpal Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.73, dated 17.6.2021, Police Station Tappa Mandi, District Barnala, under Sections 21 and 25 of NDPS Act.
2. The allegations, in nutshell, are that the petitioner was found in possession of 30 grams of 'Heroin' on 17.6.2021.
3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that there is non-compliance of all the mandatory provisions of law. It has further been submitted that the recovered contraband in any case would fall in the category of 'non-commercial' quantity and the petitioner who has been behind bars since the last about 11 months deserves the concession of bail.

4. On the other hand, learned State counsel has submitted that pursuant to arrest of the petitioner he suffered a disclosure statement leading to arrest of co-accused namely Tarsem Singh from whom another 300 grams of 'Heroin' was recovered and as such it is apparent that the petitioner is actively into drug trafficking. It has also been pointed out that the petitioner happens to be involved in 4 other cases including two cases registered under NDPS Act, which (NDPS Act) are pending. Learned State counsel has not disputed the fact that the petitioner has been behind bars since the last about 11 months. It has also been informed that as on date none out of the cited 12 PWs has been examined.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the allegedly recovered contraband would fall in the category of 'non-commercial' quantity. The petitioner has been behind bars for a substantial period of 11 months. Conclusion of trial is likely to consume time inasmuch as no PW out of the cited 12 PWs has been examined. In these circumstances, further detention of the petitioner is not justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.5.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No