

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

CRM No. M-38305 of 2020 (O&M)
Date of Decision : 03.03.2022

Lakhwinder Singh @ Lakha

....Petitioner

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ashish Pal Kaushal, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

CRM No. 16225 of 2021

Present application has been filed for seeking preponement of hearing of main petition i.e. CRM No. M-38305 of 2020.

As the main petition is listed for today, the present application has become infructuous.

CRM No. 27854 of 2021

Application is allowed, as prayed for.

CRM No. M-38305 of 2020

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 29 dated 02.04.2020, registered under Sections 18 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Mamdot, District Ferozepur.

Learned counsel for the petitioner argues that in the present

case, the allegations are that the crop of green poppy, which is a banned crop, was found standing on the land belonging to the petitioner whereas, according to the petitioner, the land where the said crop was found, does not belong to him and even otherwise, at the time when the said crop was discovered by the police authorities, he was behind bars in another case and the co-accused, namely, Jaspinder Singh, who was arrested on the same allegations, has already been found innocent by the police authorities. Learned counsel for the petitioner contends that it is a specific case of the petitioner that the land where the said crop was found, does not belong to the petitioner and the allegation that the petitioner was behind sowing the said crop, is not only incorrect but is yet to be proved during the trial and, therefore, when the investigation is already over and the charges have been framed and two witnesses have already been examined, no useful purpose will be achieved in keeping the petitioner behind the bars during the entire period of trial as the trial is likely to take some time to conclude keeping in view the fact that the Courts are working in a restrictive manner due to pandemic of Covid-19.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that secret information was received about the crop of green poppy being sown on the land concerned, which as per the investigation, belongs to the petitioner though, learned State counsel concedes that at the time of said recovery of the crop, the

petitioner was behind bars in some other case.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The factum whether the petitioner was behind sowing of the said crop, which was recovered by the police authorities, is a matter of evidence, which will come during the trial. It is a conceded position that at the time of recovery of the said crop, the petitioner was already behind bar and the ownership of the land in question is also being disputed and is yet to be proved during the trial. In the facts and circumstances of this case, keeping in view the fact that the trial is likely to take some time before it concludes as the Courts are working in a restrictive manner due to pandemic of Covid-19, no useful purpose will be achieved in keeping the petitioner behind bars, especially, when, learned counsel for the petitioner has undertaken before this Court that petitioner will not influence the witnesses or the trial in any manner, if he is granted the concession of regular bail.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

March 03, 2022
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes

Whether reportable? Yes