

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(215)

CRM No. M-51189-2021

Date of Decision : 28.01.2022

Lakha Singh

...Petitioner

Versus

State of Punjab

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gaurav Sharma, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No. 77 dated 21.09.2021 registered under Sections 22, 29, 61 and 85 of the NDPS Act, 1985 at Police Station Bhadaur, District Barnala.

Learned counsel for the petitioner argues that the recovery of the intoxicant tablets was done from the co-accused Manpreet Singh and the petitioner has been involved in the present case on the basis of the disclosure statement of said Manpreet Singh on the ground that Manpreet Singh had purchased the said contraband from the petitioner. Learned counsel for the petitioner submits that apart from the disclosure statement of Manpreet Singh, there is nothing on record to show the involvement of the

petitioner with the alleged crime, besides this nothing has been recovered from the petitioner and there are no other cases pending against the petitioner and as the trial is likely to take some time before it concludes, the petitioner may kindly be extended the benefit of regular bail.

Notice of motion.

Mr. Kirat Singh Sidhu, 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 counsel for the respondent-State submits that though the petitioner was roped in the present case only on the basis of the disclosure statement of the co-accused Manpreet Singh to the effect that the contraband recovered from the said co-accused was purchased from the petitioner but the Investigating Agency has further recorded the statement of one Labh Singh wherein, he has stated that he has seen the petitioner handing over the tablets to Manpreet Singh and therefore, keeping in view the said fact, the prayer of the petitioner for the grant of regular bail, is liable to be rejected as the quantity recovered from the said co-accused Manpreet Singh is commercial in nature.

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

As of now, the petitioner has been roped in the present case on the basis of the disclosure statement of co-accused Manpreet Singh and a statement given before the Investigating Agency by a person namely Labh Singh. The said disclosure statement of the co-accused and the statement of

Labh Singh before the investigating agency are yet to be proved during the trial. Keeping in view the fact that nothing has been recovered from the petitioner and there are no other cases pending against him and he has undertaken before this Court not to influence the trial or the witnesses in any manner, 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 before it concludes, keeping in view the restricted working of the Courts due to the pandemic of Covid-19.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial in any manner and will maintain good conduct, if he is granted bail. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

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.

January 28, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No