

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209-2

CRM-M No.1566 of 2023 (O&M)
DATE OF DECISION: 24th NOVEMBER, 2023

Lakhbir Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Jashandeep Singh, AAG, Punjab.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.230 dated 14.09.2021 registered under Sections 18/29 of NDPS Act, 1985 at Police Station Beas, District Amritsar.
2. Status report by way of affidavit of Sukhwinder Pal Singh, PPS, Deputy Superintendent of Police, Sub Division, Baba Bakala Sahib, Amritsar (Rural) is taken on record.
3. It is submitted by learned counsel for the petitioner that the case against the petitioner is concocted. The petitioner is not involved in the crime as alleged against him. As per the story of the prosecution, though there is alleged recovery of 7 kgs of opium from the petitioner, however, the petitioner has been in custody since 14.09.2021. The prosecution has examined only 03 witnesses out of total 14 cited

witnesses of the prosecution. The counsel for the petitioner has relied upon the judgments rendered by Hon'ble the Supreme Court in the cases of *Nitish Adhikary @ Bapan Versus The State of West Bengal, vide order dated 01.08.2022 passed in SLP (Criminal) No.5769-2022; Mohd. Muslim @ Hussain Versus State (NCT of Delhi), 2023 AIR (Supreme Court) 1648 and Md. Hasanuzzaman and others Versus The State of West Bengal and others, SLP (Crl.) No.3221 of 2023, vide order dated 04.05.2023*, to buttress his arguments. Hence, the petitioner deserves to be released on bail pending trial.

4. On the other hand, learned State Counsel, being instructed from ASI Gurdeep Singh, has submitted that the recovery was effected from the truck driven by the co-accused, namely, Jatinder Singh @ Laddi and the petitioner is cleaner of the said truck. Therefore, the petitioner cannot assert that he is not involved in the crime. Therefore, the petitioner does not deserve any concession of bail pending trial. However, it is not disputed by learned State counsel that the petitioner is in custody since 14.09.2021 and that out of 14 prosecution witnesses, only 03 have been examined, so far.

5. In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

24th NOVEMBER, 2023
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

<i>Yes</i>	<i>No</i>
<i>Yes</i>	<i>No</i>