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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-19660-2021 (O&M)  
Date of decision : 22.02.2023**

Lakhbir Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Keshav, Advocate,  
for Mr. Rakesh Kumar, Advocate,  
for the petitioner.

Mr. Sandeep Chopra, DAG, Punjab.

**MAHABIR SINGH SINDHU, J.**

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.158 dated 22.06.2015, under Section 15 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (*for short 'the Act'*), registered at Police Station Shahkot, District Jalandhar.

2. Allegations are that petitioner, along with co-accused was found in possession of 18 bags of Poppy Husk (36 kgs each), without any permit or licence.

3. This Court, on 09.08.2021, granted interim bail to the petitioner and relevant portion of the same is recapitulated as under:-

*“It is submitted that petitioner is in custody for the last about three years and there is no progress in the trial.*

*Learned State Counsel wishes to verify the above factual position.*

*Posted on 30.09.2021.*

*Since petitioner is stated to be in custody for the last approximately three years, let he be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.*

*Learned State Counsel will also verify the pendency of other criminal cases against the petitioner.”*

4. Learned counsel contends that petitioner was granted interim bail by this Court on 09.08.2021 and since then, he is regularly appearing before learned trial Court. Also contends that out of 19 prosecution witnesses, only 12 have been examined so far.

5. Learned State Counsel, upon instructions, has fairly acknowledged the above factual position.

6. Heard learned counsel for both the sides and perused the paper book.

7. Petitioner was granted interim bail by this Court and he is regularly appearing before the Court below; and there is no allegation that he is likely to misuse the concession of bail or hamper the proceedings in any manner, in case his interim bail is made absolute.

8. Since trial is likely to take sufficiently long time, thus sending the petitioner in custody at this stage would not serve any purpose.

9. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 09.08.2021 is made absolute.

He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

11. The above observations may not be construed as an expression of opinion on the merits of the case.

12. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

22.02.2023

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(MAHABIR SINGH SINDHU)

JUDGE

|                               |     |    |
|-------------------------------|-----|----|
| Whether speaking / reasoned : | Yes | No |
| Whether Reportable :          | Yes | No |