

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221 CRM-M-20600-2023
Date of Decision.:30.10.2023

Lakhwinder Singh @ GagnaPetitioner
Vs.
State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.16 dated 26.01.2022 registered under Sections 22(c) of NDPS Act, 1985 registered at Police Station Jaitu, District Faridkot.

2. As per the allegations, 1500 tablets of Tramadol Hydrochloride, containing weight of 509.355 gram, was recovered from petitioner Lakhwinder Singh @ Gagna.

3. It is contended by learned counsel for the petitioner that petitioner is in custody for the last more than 01 year; that not even a single witness has been examined so far and trial may take time to conclude; and that petitioner has no criminal antecedents and so, he be allowed bail.

4. Custody certificate has been placed on record by learned State counsel. However, status report has not been filed, despite opportunity.

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5. Learned State counsel has opposed the bail petition by pointing out that recovered quantity of contraband falls in the commercial category. However, learned State counsel concedes that out of 23 witnesses cited by the prosecution, not even a single witness has been examined so far. The custody certificate reveals that petitioner is in custody for the last 01 year 01 month and 16 days with no criminal antecedents. Thus, there is substantial compliance of Section 37 of NDPS Act.
6. Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

October 30, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No