

CRM-M-48921-2022 (O&M)

211

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-48921-2022 (O&M)****Date of decision: July 06, 2023**

Lachhman Singh @ Lasha

...Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. L.S. Sekhon, Advocate for
 Ms. Manpreet Ghuman, Advocate for petitioner.

Mr. Dhruv Dayal, Additional AG Punjab.

ARUN MONGA, J. (ORAL)

Petitioner, stated to be 36-year old, driver by profession, seeks bail in criminal case bearing FIR No.10 dated 11.01.2022, registered under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Amargarh, District Malerkotla.

2. Per FIR, on 11.01.2022, the investigating officer along with police party was present within the area of Village Mahroana in connection with patrolling and checking of miscreants. At about 3.30 p.m., a Verna car bearing registration No.PB-65-AE-7765 was seen coming. On suspicion, it was signalled to stop but driver tried to flee away. However, he was apprehended. Upon checking, four plastic bags of poppy-husk, each containing 20kilograms, total of 80 kilograms along with cash amounting to Rs.25,000/- were recovered from the car. Same were taken into possession. Petitioner was arrested from the spot. An FIR was registered in this regard.

3. Learned counsel appearing on behalf of petitioner submits that petitioner has falsely been implicated in the present case. No offence has been made out against the petitioner and he has nothing to do with the alleged offence.

CRM-M-48921-2022 (O&M)

Nothing was recovered from him and the contraband has been planted on him. He further submits that petitioner is sole breadwinner of his family and has two minor school going children.

4. On the other hand, learned State counsel, on instructions from ASI Shish Pal, opposes the bail petition. He submits that petitioner has committed a serious offence and is a habitual offender.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. In this case, recovery of 80 kilograms of poppy-husk (commercial quantity being 50 kilograms and above) along with cash from the car being driven by the petitioner is disputed and is subject matter of the trial. Petitioner claims nothing was recovered from him. Be that as it may, investigation is and trail has commenced as the charges have also been framed.

7. Petitioner is in custody since 11.01.2022. Trial is still likely to take long time. Whereas, petitioner has already been languishing in jail for the past more than 1 and a half years in preventive custody. Though petitioner is involved in four other FIRs, but he is on bail in those cases.

8. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

9. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

10. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

CRM-M-48921-2022 (O&M)

11. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of bail of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.
12. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 06, 2023

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No