

101 (1st case)

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

**CRM-M-42186-2020 (O&M)
Date of decision : 22.02.2023**

Lakhwinder Singh @ Lakha

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Impinder Singh Dhaliwal, 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.59 dated 20.04.2020, under Section 15, 25, 27 & 29 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (*for short 'the Act'*), registered at Police Station Longowal, District Sangrur.

2. Allegations are that petitioner along with co-accused was found in possession of 13 bags of poppy husk, each containing 13.500 kgs.

3. This Court, on 22.12.2020, granted interim bail to the petitioner in the following manner:-

“Contends that present FIR had been registered on 20.04.2020; petitioner was arrested on 05.05.2020, but as

per prosecution case itself, after recording the confession of petitioner on 06.05.2020, recovery is alleged to be effected on 08.05.2020 from his fields, thus, whole case becomes doubtful.

Faced with the situation, learned State counsel seeks time to file a short written response in the matter.

On his request, adjourned to 23.02.2021.

*In the meanwhile, let petitioner be released on interim bail, in this case, **till the next date of hearing**, subject to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.”*

4. Learned counsel contends that petitioner was granted interim bail by this Court on 22.12.2020 and since then, he is regularly appearing before learned trial Court. Also contends that despite the fact that charges were framed on 20.07.2021, out of 33 prosecution witnesses, only 01 has been examined till date.

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 22.12.2020 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 <i>atulsethi</i>	(MAHABIR SINGH SINDHU) JUDGE	
Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No