

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

207

CRM-M-44124-2022 (O&M)

Date of decision: 23.01.2023

Lovepreet Singh @ Lovi @ Lavi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. K.S. Brar, Advocate for the petitioner.

Ms. Ishma Randhawa, Addl. AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this 4th petition, the petitioner seeks regular bail in case FIR No.81 dated 14.11.2019, under Sections 22, 29 of NDPS Act of 1985, registered at Police Station Talwandi Bhai, District Ferozepur. The last one was dismissed as withdrawn on 31.08.2022 with liberty to file afresh with better particulars.

Learned counsel for the petitioner states that the petitioner was falsely implicated in the present case; that though the alleged recovery of 650 intoxicated tablets effected from the petitioner falls under the commercial category, but the fact remains that the petitioner has been in custody since 14.11.2019 and there is no other pending or decided case against the petitioner; that there are total three accused, out of which two co-accused i.e. Arshdeep Singh and Prabhjot, have already been enlarged on regular bail and that out of 12 prosecution witnesses, only 01 has been examined so far.

Learned counsel for the petitioner submits that the petitioner has never misused the concession of interim bail, which was earlier granted to him.

Learned State counsel, while vehemently opposing the prayer for

bail, submits that the recovered contraband falls under the commercial quantity. However, she does not dispute the custody period of the petitioner and that there is no other case against the petitioner. She submits that out of 12 prosecution witnesses, 01 has been examined.

I have heard the learned counsel for the parties.

The recovery has already been effected. Though the recovery effected from the petitioner falls under the commercial quantity, but the fact remains that the petitioner has been in custody since 14.11.2019 i.e. more than 03 years and 02 months and the petitioner is not involved in any other case. Two co-accused have already been enlarged on bail. The concession of interim bail was never misused by the petitioner. Remaining 11 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

It is also clearly stipulated that the petitioner would be required to remain present on all dates fixed by the trial Court and his counsel will not seek unnecessary adjournments and that if the petitioner tries to delay the trial or involves him into another case of a similar nature, the trial Court would put back him into incarceration.

(HARNARESH SINGH GILL)
JUDGE

23.01.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No