

CRM-M-49997-2022
Decided on : 23.01.2023

LAKHWINDER SINGH @ LAKH

...Petitioner

VERSUS

STATE OF PUNJAB

..Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in FIR No.179 dated 12.09.2019 under Section 22 and 29 of NDPS Act, 1985 and Section 61 of the Punjab Excise Act, 1914 registered at Police Station Dirba District Sangrur.

Learned counsel for the petitioner at the outset submits that the petitioner has been in custody since 12.10.2019 and there is no likelihood of the trial concluding in the near future as 12 prosecution witnesses remain to be examined. He further submits that no doubt recovery of 950 intoxicant tablets of tramadol and 84 bottles of country made liquor was allegedly effected from accused Hussandeep Singh and Ajaib Singh but the petitioner was not apprehended at the spot nor any recovery effected from him. Learned counsel further submits that it is thus evident that a false case has been planted upon the petitioner and his case would not be hit by the provisions of Section 37 of the NDPS Act.

Per contra learned State counsel on instructions from ASI Suresh Kumar has submitted that a secret information was received by the police wherein the petitioner had been specifically named. He further submits that no doubt the petitioner was not apprehended at the spot along with the contraband, however, he was also nominated on the basis of the disclosure statement of co-accused who stated that the contraband had been supplied to him by the petitioner. Learned State counsel further submits that all these facts have to be appreciated in the light of the petitioner being involved in four other cases under the NDPS Act. Learned State counsel on further instructions submits that the trial shall not take much time to conclude as admittedly all the remaining prosecution witnesses are official witnesses and the next date fixed before the Trial Court is 08.02.2023 when they would be examined.

I have heard learned counsel and perused the relevant material on record.

The petitioner is involved in other criminal cases including under the NDPS Act. The petitioner allegedly supplied the recovered contraband. The trial is at the fag end. In the facts and circumstances, particularly looking to the criminal antecedents of the petitioner, he does not deserve the concession of bail.

Dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

At this stage, a request has been made by learned counsel appearing for the petitioner that since the petitioner has been in custody for more than three years, directions be issued to the learned Trial Court for expeditious disposal of the trial.

The Trial Court shall make earnest efforts to conclude the trial expeditiously preferably within five months.

23rd January, 2023
Sapna

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No