

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-9698-2023
Date of Decision.:22.03.2024

Lakhvir Singh @ LakhiPetitioner
Vs.
State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. A.S. Brar, Advocate
for the petitioner.

Mr. G.P.S. Bhullar, 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.188 dated 12.09.2022 registered under Section 15 of NDPS Act, 1985 registered at Police Station Sadar Dhuri, District Sangrur.

2. As per prosecution allegations, 120 Kg. of poppy husk was recovered from a truck, which was being driven by the co-accused Hardeep Singh whereas petitioner Lakhvir Singh was the co-passenger.
3. It is contended by learned counsel for the petitioner that petitioner has been falsely implicated; that co-accused Hardeep Singh has already been allowed bail by this Court vide order dated 07.11.2023 passed in CRM-M-22509-2023, copy of which has been placed on record. Learned

counsel for the petitioner further contends that petitioner is in custody for the last more than 01 year and 06 months and trial is not proceeding further as only 01 witness has been examined so far and so, he be allowed bail.

4. Status report by way of an affidavit of Shri Talwinder Singh Gill PPS, Deputy Superintendent of Police, Sub Division Dhuri, District Sangrur has been filed on behalf of respondent- State.

5. Learned State counsel has opposed the bail petition by pointing out towards the fact that huge recovery of commercial category of the contraband was effected from the petitioner and the co-accused. Learned State counsel has also drawn attention towards the fact that petitioner has criminal antecedents as he is involved in three other cases pertaining to NDPS Act.

6. However learned State counsel concedes the fact that petitioner is in custody for the last 01 year 06 months and 08 days as per the custody certificate placed on record. It is further informed by learned State counsel that out of 18 witnesses cited by the prosecution, only 01 witness has been examined so far. Thus trial is proceeding at slow pace and is likely to take long time to conclude. Co-accused Hardeep Singh has already been allowed bail, though he did not have any other criminal case pending against him.

7. Having regard to the long incarceration of the petitioner custody and the fact that trial may take time to conclude, the rigors of Section 37 of the NDPS Act is required to be balanced with Article 21 of the Constitution of India guaranteeing Fundamental Right to life and liberty of which speedy trial is a facet.

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8. As such, 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.

(DEEPAK GUPTA)
JUDGE

March 22, 2024
Neetika Tuteja

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