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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9235-2024
Date of decision: 04.04.2024

LAKHWINDER SINGH ALIAS LAKHA

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Mikhail Kad, Advocate
for the petitioner.

Mr. Adeshwar Singh Pannu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.28 dated 06.03.2020, under Sections 22/25/29/61 of the NDPS Act and Sections 473, 411 of the IPC, registered at Police Station Dhanaula, District Barnala, Punjab.
2. Learned counsel for the petitioner submitted that the petitioner is in custody for 4 years and 22 days and due to the long custody of the petitioner, he may be considered for grant of regular bail. He further submitted that as per the prosecution, from the car in which the petitioner was sitting on the passenger seat, there was a recovery of 125000 tablets of *tramadol* and from another car which was also going along with that, there was a recovery of 175000 tablets of *tramadol*. He further submitted that although the alleged quantity was on the

higher side but considering the custody of the petitioner, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Adeshwar Singh Pannu, AAG, Punjab submitted that it is a case that a specific and concrete information was received with regard to the petitioner, who has been named in the FIR and it is not a case that the petitioner was only a passenger in the car and when a naka was laid down, two cars were apprehended together i.e. a Fortuner and a Honda City and the car in which the petitioner was travelling and with regard to which a specific information was received by the police earlier, there was a recovery of 125000 tablets of *tramadol* and from the other car, there was recovery of 175000 tablets of *tramadol*, totaling 300000 tablets of *tramadol*, which is extremely a huge quantity and also falls in the category of commercial quantity. He also submitted that now out of 21 cited prosecution witnesses, 6 prosecution witnesses have already been examined and 2 prosecution witnesses have been given up by the prosecution and the trial is going at a proper pace and considering the aforesaid seriousness and gravity of the offence and also in light of Section 37 of the NDPS Act, the petitioner does not deserve the concession of regular bail.

4. I have heard the learned counsel for the parties.

5. Undoubtedly, the custody of the petitioner is more than 4 years. However, the gravity of the offence and the bar contained under Section 37 of the NDPS Act also has to be considered for the grant of regular bail to the petitioner. It is a case where the petitioner was specifically named in the FIR and the police got information about him and the other co-accused and there has been a total recovery of 300000 tablets of *tramadol*, which is extremely a huge

quantity. Apart from the above, learned counsel for the petitioner has not been able to make out any case for making a departure from the bar contained under Section 37 of the NDPS Act.

6. Therefore, considering the aforesaid gravity of the offence and the bar contained under Section 37 of the NDPS Act, this Court does not deem it fit and proper to grant the concession of regular bail to the petitioner.

7. Consequently, the present petition is hereby dismissed.

8. Since the custody of the petitioner is more than 4 years, necessary directions are required to be issued to the learned trial Court. Ordinarily, this Court may not have issued any direction to the learned trial Court for expediting the trial but considering the exceptional circumstances of the present case where the custody of the petitioner comes out to be more than 4 years, this Court is of the view that it will be in the interest of justice to direct the learned trial Court to expedite the trial. Therefore, the learned trial Court is directed to expedite the trial in view of the long custody of the petitioner.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

04.04.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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