

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.11293 of 2024
Date of Decision: 03.04.2024

LAKHWINDER SINGH ALIAS MATTIPetitioner

Vs
STATE OF PUNJABRespondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Abhinav Singla, Advocate
for the petitioner.

Mr. Athar Ahmed, DAG, Punjab.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.95 dated 14.12.2020 registered under Sections 15C-25-29-61-85 of NDPS Act, 1985 read with Section 192-A of Motor Vehicle Act at Police Station Bholath, District Kapurthala, Punjab.
2. Status report by way of affidavit of Surinderpal, PPS, Deputy Superintendent of Police, Sub Division Bholath, Kapurthala on behalf of the respondent/State has been filed in Court, which is taken on record.
3. Learned counsel for the petitioner submits that the petitioner has been implicated against the alleged recovery of 250 kgs of poppy husk. Learned counsel further submits that petitioner was not apprehended at the spot and was arrested after a period of almost 01 year and 08 months of registration of FIR. He further points out that the other two co-accused namely Sukha Singh and Suheel Ahmed, who were apprehended at the spot with the intoxicant material have already been

granted concession of regular bail by this Court vide two separate orders dated 10.01.2024 passed in CRM-No.14948 of 2022 and CRM-M No.6336 of 2023 respectively and, thus, the petitioner deserves the concession of regular bail.

4. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that the petitioner is involved in four more cases under the NDPS Act as pointed out in para no.15 of the status report.

5. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.

6. In the present case, the investigation already stands concluded with the filing of challan followed by framing of charges. However, the trial is lingering on for the past almost more than 03 years. Petitioner was never apprehended at the spot and he is already in custody for the past 01 year and 08 months. Moreover, the two co-accused, who were arrested at the spot with the intoxicant material have already been granted concession of regular bail by this Court vide two separate orders dated 10.01.2024 passed in CRM-No.14948 of 2022 and CRM-M No.6336 of 2023.

7. As regards pendency of other cases against the petitioner, as per information provide by learned counsel for the petitioner in FIR No.96 dated 25.05.2008, the petitioner already stands acquitted whereas in FIR No.100 dated 19.09.2022, he was implicated on the basis of disclosure statement while he was in custody in the present case, whereas in FIR No.57 dated 05.07.2022, the alleged recovery was 03 kgs of intoxicating material i.e. non-commercial quantity and the petitioner is already on bail.

8.

Considering the totality of facts and circumstances of the case and the period of incarceration already suffered by the petitioner, I do not find any justification to extend the incarceration of the petitioner.
9.

Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.
10.

It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

April 03, 2024 <i>Atik</i>	(HARKESH MANUJA) JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No