

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-15801-2024  
DECIDED ON: 05.04.2024

LAKHWINDER SINGH  
.....PETITIONER  
  
VERSUS  
  
STATE OF PUNJAB  
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. P.S. Sekhon, Advocate  
for the petitioner.  
  
Mr. P.S. Bhandari, AAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.61, dated 06.04.2023, under Sections 22 and 29 of NDPS Act, 1985, registered at Police Station Lehra, District Sangrur.
2. Learned counsel for the petitioner contends that the petitioner was nominated as an accused on the basis of disclosure statement of co-accused namely Manpreet Kaur from whom the recovery of 770 tablets of *Tramadol* and 270 tablets of *Alprasafe* were recovered. He further submits that no recovery has been effected from the possession of the petitioner.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present petition stating that the petitioner is involved in other cases, therefore does not deserve the concession of bail at least at this stage.

4. Be that as it may, considering the fact that the recovery of contraband has been effected from the possession of co-accused namely Manpreet Kaur, who is in custody and the petitioner has suffered incarceration of 7 months, wherein investigation is complete, challan stands presented and no recovery is to be effected from the possession of the petitioner added with the fact that conclusion of trial shall take sufficient time, as after framing of charges on 21.11.2023, out of total 15 prosecution witnesses, none has been examined so far, no useful purpose would be served by keeping the petitioner behind bars for an uncertain period, which would amount to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule and jail is an exception*”, as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.***

5. As far as the contention of learned State counsel with regard to pendency of other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “***Baljinder Singh alias Rock vs. State of Punjab***” decided on 02.03.2023, wherein, this Court observed that pendency of other FIRs involving the accused-petitioner cannot be a predicament to consider the case for anticipatory bail or regular bail, as the evidence of the material involved in those FIRs can be treated in those cases alone and not material in instant FIR against the accused-petitioner to hold him guilty.

6. In light of the above discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

7. The present petition is hereby allowed.

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

05.04.2024

*Meenu*

(SANDEEP MOUDGIL)  
JUDGE

|                                  |               |
|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |