



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

308

CRM-M No.16325 of 2024 (O&M)
Date of Decision: 16.05.2024

LAKHWINDER SINGH @ LAKHU Petitioner

Vs
STATE OF PUNJAB Respondent

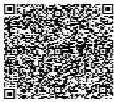
CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Ruhani Chadha, Advocate
 for the petitioner.

 Mr. Siddharth Sandhu, Asstt. A.G., 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.23 dated 25.01.2024 registered under Sections 21 & 25 of NDPS Act, 1985 at Police Station Dharmkot, District Moga, Punjab.
2. Short reply by way of affidavit of Amarjit Singh, PPS, Deputy Superintendent of Police, Dharmkot, District Moga on behalf of 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 with alleged recovery of 250 grams of heroin.
4. The prayer made on behalf of the petitioner has been opposed by learned State counsel while referring to the antecedents of the petitioner, who is stated to be involved in five more cases, though four pertaining to provisions of IPC whereas one relates to NDPS Act.



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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. Petitioner is behind the bars for a period of around 04 months and the recovery involved in the case in hand is non-commercial quantity as per Section 2(vii)(a) of the NDPS Act, 1985. As regards involvement of the petitioner in other cases, he is stated to be acquitted in all those cases.
7. Considering the fact that the petitioner has already suffered incarceration for a period of around 04 months and the trial is likely to take sometime in its culmination, I do not find any justification to extend the incarceration of the petitioner.
8. 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.
9. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

May 16, 2024
Atik

(HARKESH MANUJA)
JUDGE

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