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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-38145-2024
Date of decision:-11.02.2025

LAKHWINDER @ LUCKY

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Lakhwinder, Advocate for
 Mr.Namit Khurana, Advocate, for the petitioner.

 Mr. Ramender Singh Chauhan, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure, for grant of regular bail in the following case (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
62	21.01.2024	22 (C), 29 of NDPS Act	City Yamuna Nagar, District Yamuna Nagar

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that petitioner was not nominated in the FIR but his name figured in the disclosure statement made by co-accused Gopal @ Vicky. He submits that after arrest of the petitioner on 21.01.2024 no recovery has been effected



from him and since then he is lingering in jail. He submits that after completion of investigation, challan has already been presented in Court, wherein prosecution has cited 11 witnesses and till date none of them have been examined. Hence prayed for grant of regular bail to the petitioner.

4. *On the other hand*, learned State counsel referring to the reply submitted by the State has assailed these arguments by submitting that the petitioner had been actively involved in drug trafficking and has allegedly supplied the contraband to the co-accused Gopal @ Vicky who was apprehended by the police alongwith contraband. He, however has not disputed that 11 witnesses have been cited by the prosecution and till date none of them have been examined and also admitted that the petitioner is not having any other criminal case under NDPS Act registered against him.

5. After considering the rival contentions and perusing the record, it transpires that police had apprehended co-accused Gopal @ Vicky on 20.01.2024 alongwith narcotic substance i.e capsules and tablets on the basis of secret information. During course of his interrogation the petitioner was nominated as supplier. The petitioner, accordingly, was arrested on 21.01.2024, however, no recovery has been effected from him.

6. After completion of investigation, challan has been presented in Court, wherein admittedly 11 witnesses have been cited by the prosecution and till date none of them have been examined. It is not disputed that there is no other criminal case under NDPS Act registered against the petitioner. Moreover, consequent upon his arrest no recovery has been effected from the petitioner. The conclusion of trial to ascertain criminal liability, if any, of the



petitioner in the present case will take sufficient long time.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

11.02.2025

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No