

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57959-2024
Date of Decision:25.02.2025

Lakhwinder Singh @ KindiPetitioner(s)

VERSUS

State of PunjabRespondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Jupinder Pal Singh, Advocate for the petitioner.
(through video conferencing)

Mr. Amandeep Singh DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Under Section(s)	Police Station	District
Lakhwinder Singh @ Kindi	203	20.08.2022	22 (c) of NDPS Act	Canal Colony	Bathinda

2. Learned counsel for the petitioner submits that the alleged recovery of 1.419 gms of Codeine Phosphate (as per FSL report) has been effected from the petitioner. Counsel submits that upto 1 kg of Codeine Phosphate is to be considered as non-commercial quantity and the recovery effected from the petitioner is commercial quantity, however, petitioner is in custody since 01.08.2023 and after completion of

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investigation, final report under Section 173 Cr.P.C. has already been submitted before the concerned Court. Counsel also submits that petitioner has clean antecedents and he is not involved in any other similar activity except the present case.

3. Counsel also submits that since the FSL report was awaited, the petitioner was released on interim bail from 21.10.2022 to 31.07.2023 and during this period, neither petitioner ever misused the concession of interim bail nor was found involved in any other case. Counsel submits that petitioner is in custody for last one year and eight months, thus, prays for grant of regular bail.

4. On the other hand, learned State counsel has filed the custody certificate of the petitioner. The same is taken on record. Learned State counsel submits that the quantity of contraband i.e. Codeine Phosphate recovered from the petitioner is commercial in nature, thus, prays for dismissal of the present petition.

5. Learned State counsel further submits that after completion of investigation, final report under Section 173 Cr.P.C. has been submitted before the Court concerned. Counsel submits that there are total ten prosecution witnesses and without examining any of them, two of the witnesses had already been given up. Learned State counsel does not dispute the fact that petitioner has clean antecedents and he has not misused the concession of interim bail.

6. Considering the circumstances in its entirety and the fact that the quantity of the contraband recovered from the petitioner is 1.419 gms as well as the fact that without examining any of the prosecution witnesses,

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two of the witnesses have already been given up, and that, petitioner is in custody for the last more than one year and eight months of period, this Court does not find any special reason to keep the present petitioner inside jail for indefinite period.

7. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the facts noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.

8. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 25, 2025
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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**