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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-57030-2024 (O&M)
Date of decision : 23.01.2025**

Lakhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Abhaysher Singh, Advocate,
for the petitioner.

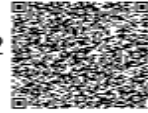
Mr. Mohit Kapoor, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present second petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of bail pending trial to the petitioner in FIR No.115 dated 13.09.2023, under Sections 21 & 29 of Narcotics Drugs and Psychotropic Substances Act, 1985, registered at Police Station Vairoke, District Fazilka.

2. Above FIR was registered against the petitioner and co-accused with the allegations that 200 grams *heroin* (non-commercial) and Rs. 10,000/- was recovered from them.

3. Learned counsel for the petitioner contends that main accused-Rekha Rani from whom alleged contraband was recovered, has already been granted bail pending trial by the Coordinate Bench on 06.11.2024 (P-7) in CRM-M-34406-2024. Further contends that petitioner was arrested in the present case on 13.09.2023 and after



remaining in custody for about 01 year and 02 months, was granted interim bail by this Court on 21.11.2024 and in pursuance of the aforesaid order, he is regularly appearing before learned Special Court. Further contends that petitioner is in custody since 13.09.2023 and report under Section 173 Cr.P.C. was presented on 14.11.2023; charges were framed on 18.07.2024 and out of total 17 prosecution witnesses, only 03 have been examined till date. Lastly submits that there is no allegation that petitioner is likely to misuse the concession or hamper the proceedings in any manner.

4. *Per contra*, learned State Counsel, on instructions from quarter concerned, has acknowledged the above factual position and submits that petitioner has not misused the concession of interim bail granted by this Court on 21.11.2024.

5. Heard learned counsel for both the sides and perused the paper book.

6. This Court granted interim bail to the petitioner on 21.11.2024 in the following manner:-

“ Contends that there is no recovery alleged against the petitioner and moreover, the recovery which is stated to have been effected from the house of co-accused Rekha Rani is non-commercial in nature.

Learned State counsel will find out about the pendency of other case(s) against the petitioner.

Posted 23.01.2025.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to the satisfaction of learned Special Court/CJM/Duty Magistrate concerned.”

7. Learned State counsel has duly acknowledged that petitioner is regularly appearing before learned trial Court and there is



no allegation that in case, interim bail is made absolute, he is likely to misuse the concession or hamper the proceedings in any manner. In such a scenario, sending the petitioner to custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 21.11.2024, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned Special Court without seeking any unnecessary adjournment(s).

10. The above observations may not be construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is recurrence or any misuse of concession of bail on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

23.01.2025

Harish Kumar

**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No