

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

CRM-M-732-2015 (O&M)

Date of Decision: February 6, 2015

Pawandeep Singh alias Pamma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.G.S.Toor, Advocate
for the petitioner.

Mr.Shilesh Gupta, Additional Advocate General,
Punjab.

Mr.Sunil Chadha, Senior Advocate with
Mr.Rahul Bhargav, Advocate
for Vipan Kumar.

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Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 439, Cr.P.C.,
is for grant of regular bail to the petitioner, Pawandeep Singh
alias Pamma, who has been booked for having committed the
offences punishable under Sections 18, 28, and 29 of the Narcotic
Drugs and Psychotropic Substances Act, 1985, in a case arising
out of FIR No.145, dated 19.07.2012, registered at Police Station,
Division No.5, Ludhiana.

Learned counsel contends that there is not an iota of legal evidence connecting the petitioner with the offences for which he has been booked; the only material collected by the prosecution is the disclosure statement in the shape of confession of Lakhvir Singh, a co-accused of the petitioner, which is not legally admissible; the petitioner is behind the bars from 29.09.2014 and after completion of the investigation, chargesheet (report under Section 173, Cr.P.C.) has already been presented.

Learned counsel for the State, on instructions from ASI Malkeet Singh of Police Station, Division No.5, Ludhiana, very fairly conceded that except the disclosure statement of Lakhvir Singh, a co-accused of the petitioner, there is no other material to connect the petitioner with the offences for which he has been booked.

Mr.Sunil Chadha, learned senior counsel representing Mr.Vipan Kumar from whose car the alleged opium was recovered submits that the petitioner along with his co-accused Lakhvir Singh and Harcharn Singh had hatched conspiracy to falsely implicate Vipan Kumar in a serious matter; the petitioner and his co-accused had earlier attempted to kidnap Harbhajan Singh with whom Vipan Kumar was working as a *Parokar*. In the

said case the petitioner has absconded during trial which would prove that the petitioner had hatched conspiracy with his co-accused in planting the opium in the car of Vipin Kumar

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

The admissibility of the disclosure statement suffered by Lakhvir Singh, a co-accused of the petitioner, would be a moot point during trial. It is conceded case that after completion of the investigation, the chargesheet has been presented before the Court below and except the disclosure statement there is no other material to connect the petitioner with the offences for which he has been booked. He is behind the bars from 29.09.2014.

Keeping in view the totality of the facts and circumstances of the case, the present petition is allowed. Petitioner-Pawandeep Singh alias Pamma son of Sukhwinder Singh, resident of village Brahmputra, Tehsil Raikot, District Ludhiana, is ordered to be released on bail during pendency of the trial of the present case subject to his furnishing bond in the sum of ₹2 lacs with two sureties in the like amount to the

satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate,
Ludhiana.

February 6, 2015
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(NARESH KUMAR SANGHI)
JUDGE