

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

CRM-M-31689-2018 (O&M)

Date of Decision:-7.12.2018

Lakhvir Singh @ Manga

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Prabhjeet Kaur, Advocate for the petitioner.

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner Lakhvir Singh @ Manga seeks grant of regular bail in respect of a case registered vide FIR No.23 dated 25.4.2016, Police Station Mehal Kalan, District Barnala, Punjab under Sections 15, 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

It is the case of prosecution that on 25.4.2016 when a police party was present in the area of Chiniwal Kalan, District Barnala then a special informer furnished information to the effect that Lachman Singh and Gurjit Singh @ Manpreet Singh have formed a gang and were smuggling 'poppy husk' in ten tyre truck bearing No.PB-19-D-7709. Pursuant to receipt of aforesaid information 'Nakabandi' was held and Lachman Singh and Gurjit Singh @ Manpreet Singh were apprehended from the truck from which 19 quintals of 'poppy husk' was recovered. It is further the case of

prosecution that during interrogation Lachman Singh made a statement to the effect that he had supplied six bags of '*poppy husk*' weighing 30 kgs. each to the petitioner Lakhvir Singh @ Manga. Pursuant to the said statement Lakhvir Singh @ Manga (petitioner) was arrested but no contraband was recovered from him.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case solely on the basis of alleged disclosure statement made by co-accused Lachman Singh and that in any case the petitioner Lakhvir Singh @ Manga was neither arrested at the spot nor any contraband has ever been recovered from him and that in these circumstances, the petitioner deserves the concession of bail.

On the other hand, the learned State counsel has, however, opposed the petition while submitting that since there is categorical statement of co-accused against the petitioner and he does not deserve the concession of bail.

Having considered the rival submissions addressed before this Court and bearing in mind the fact that no recovery was ever effected from the petitioner, who is being implicated solely on the basis of a disclosure statement of co-accused, the veracity of which is yet to be tested during the course of trial and also the fact that the petitioner has been behind bars since the last more than two years and that the trial in its normal course is likely to take some time for its conclusion, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted. The petitioner Lakhvir Singh @ Manga is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition stands accepted accordingly.

7.12.2018

pankaj

(Gurvinder Singh Gill)

Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No