

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

**CRM-M-48172-2019
Date of decision: 19.11.2019**

Lakhwinder Singh @ Lakhi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. J. K. Singla, Advocate
for the petitioner.

Mr. Jagmohan Ghuman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 115 dated 20.08.2019, registered under Section 22 of the NDPS Act, 1985 at Police Station Bhikhi, District Mansa.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of SI Shivji Ram, it is stated that when he, along with his co-officials, was on patrol duty, he noticed that a white color car was parked behind trees and on the basis of suspicion, he stopped his car and went towards the said car, on which, he found that one person, who was sitting on the rear seat, ran away from the spot, who was identified as Jagga Singh by ASI Harpal Singh and he could not be apprehended despite the best efforts. On inquiry from the driver of the said car, he disclosed that his name as Salim Khan and the person, sitting on the co-driver seat, disclosed his name as Sambu Singh. Thereafter, on checking of the car, one white color bag was lying near the feet of accused Sambu

Singh and one bag was lying on the rear seat. Thereafter, after giving option to the accused persons to be searched before a Magistrate or a Gazetted Officer and after recording their consent, SI Shivji Ram gave information to SHO of the police station concerned on telephone and requested him to send a Gazetted Officer at the spot. Thereafter, in the presence of the DSP, the search was conducted and total 75,000 intoxicant tablets were recovered.

Learned counsel for the petitioner further submits that the petitioner was not present at the spot as it is the allegation in the FIR itself that one person namely Jagga Singh, who was sitting on the rear seat, succeeded in running away from the spot.

Learned counsel for the petitioner further submits that later on, the petitioner was nominated on the disclosure of accused Salim Khan and when the petitioner was arrested, his disclosure statement was recorded, however, no recovery was effected in pursuance thereof. Therefore, it will be a matter of trial whether on the basis of the disclosure statements, the petitioner can be held guilty.

Learned counsel for the petitioner further submits that petitioner is a first offender and he is not involved in any other case. It is further submitted that petitioner is in judicial custody since 02.09.2019 and the only allegation against him is that he conspired with co-accused Sambhu Singh.

Learned State counsel, on instructions from ASI Surjit Singh and on the basis of the custody certificate filed today in Court, could not dispute the fact that petitioner was not present at the spot and he was later on nominated on the disclosure statement of co-accused Salim Khan. It is also not disputed that subsequent to the disclosure statement, no recovery

was effected from the petitioner.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

19.11.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No