

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

CRM-M-27535-2018
Date of decision:22.2.2019

Lakhbir Singh @ Kala

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Vipul Jindal, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.104 dated 27.09.2017 under Section 21 the Narcotic Drugs and Psychotropic Substances Act, Police Station Chohla Sahib, District Tarn Taran.
2. Mr. Vipul Jindal, Advocate has put in appearance on behalf of the petitioner and has filed power of attorney, which is taken on record.

3. It is the case of the prosecution that while the petitioner was in custody in respect of FIR No.101 dated 24.09.2017 under Sections 307, 336, 452, 148, 149 Indian Penal Code and Sections 25/27 of Arms Act, Police Station Chohla Sahib, District Tarn Taran and was being interrogated, then he suffered a disclosure statement broadly to the following effect:-

“Today myself SI/SHO along with ASI Kewal Singh, ASI Charanjeet Singh, HC Sukhwant Singh 456, HC Bagh Singh 254, C. Inderjeet Singh 1225, C. Prabhpreet Singh 37, FIR No.101 dated 24.9.2017 under Sections 307, 148, 149 Indian Penal Code read with Sections 25, 27, 54, 59 of Arms Act PC Chohla Sahib, were interrogating the accused Lakhbir Singh @ Kala son of Darshan Singh caste Jatt resident of Kirtowal Kalan, when during interrogation the accused Lakhbir Singh @ Kala confessed that he used to regularly visit the house of Gurmeet Kaur wife of Bakshish Singh caste Jatt resident of Chamba Kalan and on 24.09.2017 he went to her house on her calling him to her house and he had kept concealed heroine wrapped in black polythene in bedroom of Gurmeet Kaur in the pillow side of the double bed and only he knows about the same and can get it recovered.”

4. It is further case of the prosecution that pursuant to the aforesaid disclosure statement, the petitioner led the police party to the house of Gurmeet Kaur from where 320 grams of ‘Heroin’ was recovered.
5. Learned counsel for the petitioner has submitted that he has falsely

been implicated in the present case and that in any case alleged recovery is not from the residence of the petitioner but from bed side of one Gurmeet Kaur from her residence and who surprisingly had been declared innocent.

6. Opposing bail application, learned State counsel has submitted that since it was pursuant to disclosure statement of the petitioner that huge recovery of 320 grams of 'Heroin' was effected, therefore, no case for grant of bail is made out.
7. Having considered rival contentions addressed before this Court and bearing in mind the facts and circumstances of the case more particularly the fact that it is the case of recovery on the basis of alleged disclosure statement made by the petitioner himself while in custody in another case and that too from bed side of one Gurmeet Kaur, it will certainly be debatable as to whether such like disclosure statement and such like recovery would stand the test of legal scrutiny during trial. In any case, the petitioner is stated to be behind bars since last more than 1 year and 4 months and not even a single PW has been examined so far. As such, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars for an indefinite period. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
8. It is, however, clarified that none of the observations made above

shall be construed to be an expression on merits of the main case.

9. This petition stands accepted accordingly.

(GURVINDER SINGH GILL)
JUDGE

22.2.2019
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**