

**In the High Court for the States of Punjab and Haryana  
At Chandigarh**

I) CRM-M-22880-2021 (O&M)

Lakhwinder Singh @ Bholu ... Petitioner

Versus

State of Punjab ... Respondent

II) CRM-M-23719-2021 (O&M)

Jagroop Singh ... Petitioner

Versus

State of Punjab ... Respondent

III) CRM-M-25164-2021 (O&M)

Dilraj Singh @ Raj ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:-3.8.2021

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Bhavesh, Advocate for  
Mr. Ashish Aggarwal, Advocate,  
for the petitioner in CRM-M-22880-2021.

Mr. Amit Arora, Advocate,  
for the petitioner in CRM-M-23719-2021.

Mr. Vikas Gupta, Advocate,  
for the petitioner in CRM-M-25164-2021.

Mr. Ajay Pal Singh Gill, DAG, Punjab,  
assisted by ASI Sharanjit Singh.

*(proceedings conducted through video conferencing)*

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**GURVINDER SINGH GILL, J.**(Oral)

1. This order shall dispose of the above mentioned three petitions filed on behalf of petitioners Lakhwinder Singh @ Bholu, Jagroop Singh and Dilraj Singh @ Raj seeking grant of regular bail in respect of a case registered vide FIR No.38 dated 21.3.2021 at Police Station Fattudhinga, District Kapurthala under Sections 21(B), 29 of Narcotic Drugs & Psychotropic Substances Act, 1985 and Section 25 of Arms Act.
2. The allegations, as per FIR, are that during the course of checking the police signalled a car bearing registration No.CH-01-AK-1776 to stop but the occupants of the car tried to escape after throwing a polythene bag on the road but the police was able to nab them. While the person driving the vehicle disclosed his name as Jagroop Singh, the persons sitting on the front seat adjacent to driver disclosed his name as Lakhwinder and the person sitting on the rear seat disclosed his name as Dilraj Singh. A search of the polythene bag thrown by the occupants of the car led to recovery of 150 grams of 'heroin'. It is further the case of prosecution that from personal search of the accused a country made pistol was recovered from Lakhwinder as well as from Dilraj.

3. Learned counsel for the petitioners have submitted that the petitioners have falsely been implicated in the present case and that, in any case, the petitioners cannot be attributed conscious possession of the allegedly recovered contraband.
4. Opposing the petition, learned State counsel has submitted that since all of the three accused were caught red-handed and they had thrown the bag containing contraband from the car, it goes without saying that all the three accused were fully aware of the contents of the bag, which was thrown away and, as such, they cannot feign ignorance about the contents and it is a case where all the three accused can well be attributed conscious possession of the contraband. Learned State counsel has, however, informed that all the three petitioners have been behind bars since the last about 4 months and that they are not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that it is a case of recovery of 'non-commercial' quantity of contraband and that the challan already stands presented and the petitioners have clean antecedents, their further detention will not serve any useful purpose. All the three petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**3.8.2021**

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**( Gurvinder Singh Gill )  
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No