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

CRM-M-26705-2021 (O&M)
Date of Decision:- 10.8.2021

Lakhwinder Singh @ Lakha Baba .... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vishal Khatri, Advocate, for the petitioner.

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

(Proceedings conducted through video conferencing)

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GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.162 dated 13.7.2020 at Police Station Bhogpur, District Jalandhar Rural under Sections 392, 212, 216-A, 506 and 120-B of Indian Penal Code and Sections 25, 27, 54 and 59 of Arms Act.

2. The FIR was lodged on the basis of secret information to the effect that Gurpreet Singh @ Gora, a famous gangster and a proclaimed

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offender in several cases had formed a gang with Baljinder Singh @ Billa and others and they are in touch with Pakistani Human Traffickers through Baljinder Singh @ Billa. It is alleged that they had smuggled automatic weapons in a large quantity from Pakistan and used to commit robberies on highways on luxury cars. It is further alleged that Jarmanjit Singh used to help them and to harbour them by arranging for their residence and also used to provide his Verna Car to them. The information was further to the effect that in case barricading is held the accused could be caught red handed. It is further the case of the prosecution that pursuant to receipt of aforesaid information, barricading was held and Jarmanjit Singh as well as Gurpreet Singh @ Gora were apprehended and that Gurpreet Singh @ Gora was wearing a bullet proof jacket and was found to be carrying .30 bore and .32 bore pistols apart from live cartridges of .30 bore and .32 bore.

3. Learned counsel for the petitioner submits that he is nowhere named in the FIR and has subsequently been nominated as an accused on the basis of a disclosure statement allegedly made by one Baljinder Singh @ Billa. Learned counsel has further submitted that in any case no recovery whatsoever was ever effected from the petitioner and that in these circumstances the petitioner deserves the concession of bail particularly on the ground of parity since co-accused Jarmanjit Singh has already been ordered to be released on bail by this Court vide order dated 8.1.2021.

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4. Opposing the petition, learned State counsel has submitted that since there are serious allegations against the accused pertaining to smuggling of drugs and arms across the border and since the petitioner happens to be involved in about 7 other cases, no case for grant of bail is made out. It has however, been informed that the petitioner is behind bars for the last more than one year.

5. I have considered rival submissions addressed before this Court.

6. It is no doubt correct that the petitioner is not named in the FIR and it is during the course of interrogation that co-accused Baljinder Singh @ Billa suffered disclosure statement on 19.7.2020 to the effect that he had met to petitioner-Lakhwinder Singh @ Lakha Baba in Kapurthala jail to whom he had handed over heroin received from Pakistan for sale and out of sale proceeds, some of the amount was given by Lakhwinder Singh alias Lakha to him and some was sent to Neela Dhari alias Raj of Pakistan through Hawala. However the admissibility and veracity of the aforesaid disclosure statement would be debatable. Although the petitioner is stated to have been involved in 7 other cases but it has been informed by learned counsel for the petitioner that he has been released on bail in a majority of those cases as a majority of the said cases were instituted on the basis of disclosure statements of other co-accused.

7. Keeping in view the custody period of the petitioner which is stated to be more than one year and also the fact that he has been nominated on the basis of a disclosure statement and while also noticing that in the instant case trial is yet to commence as even the charges have not

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been framed, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.8.2021 **(GURVINDER SINGH GILL)**
Mohan **JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No

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