

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.215

Case No. : CRM-M-7410-2022

Date of Decision : February 06, 2023

Lakhwinder Singh

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Gulzar Mohammed, Advocate
for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab.

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GURBIR SINGH, J. :

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.581 dated 02.12.2021, under Sections 15, 25, 29, 61 of NDPS Act, 1985 registered at Police Station City, District Barnala.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case on the basis of disclosure statement made by co-accused Balam Singh.

According to the prosecution version, 60 kilograms of poppy husk was recovered from the possession of afore-said Balam Singh. On the basis of confessional statement made by him, the petitioner was nominated. During investigation, co-accused Balam Singh disclosed that he had brought the poppy husk from Lakhwinder Singh (present petitioner) who was

dealing in poppy husk.

Learned counsel for the petitioner submits that no recovery is effected from the petitioner. He has been nominated on the basis of disclosure statement made by co-accused while in custody. He was arrested on 09.12.2021 and is in custody since then.

Learned State Counsel has opposed the bail petition submitting that the petitioner was very well acquainted with co-accused Balam Singh. The recovered contraband was also brought by the co-accused from the petitioner. It is further submitted that since the petitioner is involved in the drug trafficking which is a social menace, he does not deserve the concession of regular bail.

Heard.

In this case, the petitioner was not named in the FIR but was nominated thereafter on the basis of disclosure statement made by co-accused while in custody. No recovery is effected from the petitioner. The petitioner is in custody for the last about 01 year and 02 months. The completion of trial will also take a long time. Therefore, no useful purpose would be served by keeping the petitioner behind bars for a long period.

Keeping in view all the facts and circumstances of the case and also the law laid down by Hon'ble Supreme Court in **Toofan Singh vs. State of Tamil Nadu – Criminal Appeal No.152 of 2013**, decided on 29.10.2020, wherein it is held that disclosure statement made by a co-accused is not admissible in evidence against another co-accused in terms of Section 67 of the NDPS Act, without commenting upon the merits of the

case, the present petition is allowed and the petitioner is directed to be

released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, Barnala.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

February 06, 2023
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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.