

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

CRM-M No.31521 of 2023
Date of decision: 7th November, 2023

Lakhwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kamal Narula, Advocate for the petitioner.
Mr. Digvijay Nagpal, Asst. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.33 dated 30.03.2023 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the NDPS Act added later on) registered at Police Station Cantt Ferozepur, District Ferozepur.

2. Learned counsel for the petitioner inter alia contends that a false case had been planted upon the petitioner on the basis of a disclosure statement allegedly suffered by co-accused Davinder Singh, from whom recovery of 205 grams of Heroin (non-commercial quantity) was allegedly effected. He submits that the evidentiary value of this disclosure statement is of a weak nature and all this needs to be appreciated in the light of the petitioner having no criminal antecedents.

It has been further submitted that since investigation in the case in hand is complete and challan stands presented, further incarceration of the petitioner, who is in custody since 22.04.2023, would serve no useful purpose. A prayer has, therefore, been made for extending the concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Naresh Kumar, has not been able to dispute that the petitioner was nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused, and still further, no recovery of any contraband was effected on his arrest. It has also not been disputed by the learned State counsel, on instructions, that the petitioner is not involved in any other criminal case, much less under the NDPS Act.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. Investigation in the case in hand is complete as challan stands presented. However, charges have not yet been framed. In addition, 12 witnesses have been cited by the prosecution, hence, there is no likelihood of the trial concluding in the near future. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed

hereinabove shall not be construed to be an expression of opinion on the merits of the case.

6. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

November 7, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No