

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

CRM-M-693-2024 (O&M)
Date of Decision:-15.1.2024

Lakhbir Singh @ Captain ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Anupam Bhanot, Advocate for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
205	18.9.2021	Gharinda, District Amritsar, Punjab	21 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 411 & 414 of Indian Penal Code, wherein offence under Section 23 of NDPS Act was added later on.

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged on the basis of secret information received by Sub Inspector Daljit Singh to the effect that Angrej Singh, Jobanjit Singh @ Joban and Lakhbir Singh @ Captain in connivance with each other smuggled huge consignments of ‘heroin’ from Pakistan across the barbed wire. It is further alleged that a few days back the said persons had received a consignment of ‘heroin’ from across the barbed wire and that Angrej Singh was proceeding

from Dauke to Rajatal and in case he is apprehended 'heroin' could be recovered from him. It is further the case of prosecution that pursuant to receipt of said information, the police was able to nab Angrej Singh and upon his disclosure statement 'heroin' weighing 3.260 kilograms was recovered. It is further the case of prosecution that the aforesaid Angrej Singh in his disclosure statement nominated the petitioner - Lakhbir Singh @ Captain and Jobanjit Singh @ Joban to be the persons equally involved with him.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that apart from the secret information there is no other convincing evidence to substantiate his involvement. Learned counsel submitted that although the prosecution is banking upon a disclosure statement made by co-accused but it is well settled that a statement of co-accused does not carry any evidentiary value.
4. Opposing the petition, learned State counsel submitted that since it is a case, where huge quantity of contraband was recovered from co-accused Angrej Singh, the complicity of petitioner, who is specifically named in the FIR, is clearly evident. It has also been informed that the petitioner as on date has been behind bars since the last about 6 months and 10 days and that the petitioner happens to be involved in one more case under NDPS Act i.e. FIR No.55, dated 21.5.2023 registered at Police Station Jhabhal, under Sections 21-B/29/61/85 of NDPS Act. It has been informed that as on date none out of the cited 21 PWs has been examined.
5. This Court has considered the rival submissions addressed before this Court.
6. It is not in dispute that the name of the petitioner figures in the FIR based on the alleged secret information received against him regarding the petitioner

indulging in drug-trafficking. However, it is only the co-accused Angrej Singh, who was arrested by the police and upon whose disclosure statement ‘heroin’ weighing 3.260 kilograms was recovered. Although, the said Angrej Singh has also named the petitioner to be fully involved, but the admissibility of such like evidence would be debatable. The petitioner has been behind bars for a substantial period of more than 6 months. Conclusion of trial is likely to consume time inasmuch as none out of the cited 21 PWs has been examined so far. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.1.2024

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No