



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

CRM-M No.2527 of 2024
Date of decision: 18th July, 2024

Lakhwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amit Arora, Advocate for the petitioner.

Mr. Amit Rana, Sr. Dy. 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.152 dated 04.09.2023 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 21-C, 29 of the Act added later on) registered at Police Station Sadar Patti, District Tarn Taran.

2. Learned counsel for the petitioner has vehemently argued that the petitioner, who has no criminal antecedents, has been falsely implicated in the present case on the basis of a disclosure statement allegedly suffered by co-accused Kurinder Singh and Jagjeet Singh, from whom recovery of 1 kg & 500 grams of Heroin was allegedly affected. Learned counsel submits that firstly the alleged disclosure statement was recorded after three days of the arrest of the co-accused and furthermore, even in the alleged disclosure statement, it had been stated that the petitioner was one of the prospective buyers of the



recovered contraband. Learned counsel has still further submitted that when the petitioner was arrested, as per the conceded case of the prosecution also, no recovery of any contraband much less Heroin was affected from him. Learned counsel has thus, argued that in the aforementioned facts and circumstances, the petitioner deserves to be extended the concession of bail as not only investigation is complete in the present case but even the prosecution evidence has not yet commenced, hence the trial would take considerable time to conclude.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Kamaljit Singh, has not been able to controvert that the petitioner was not accompanying the co-accused, from whom the alleged recovery of 1 kg and 500 grams of Heroin was affected. It has also not been disputed that the petitioner's name surfaced in the disclosure statement allegedly suffered by co-accused Kurinder Singh and Jagjeet Singh. However, learned State counsel, on instructions, has submitted that though there are no monetary transactions between the petitioner and co-accused, the recovered contraband was meant for sale to the petitioner. On a further query, learned State counsel on instructions has conceded that the petitioner is not involved in any other criminal case much less under the NDPS Act. The stage of the trial has also not been disputed by the learned State counsel; he, on instructions, has stated that the next date of hearing fixed before the trial Court is 22.07.2024 when the prosecution evidence is likely to commence.

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



5. The petitioner has now been in custody since 08.11.2023 pursuant to his name surfacing in the disclosure statement allegedly suffered by co-accused, from whom the alleged recovery of contraband was affected. Possibility of the trial concluding in the near future seems remote, as none of the 16 witnesses cited by the prosecution have been examined so far. In addition, no recovery of any contraband has been affected from the petitioner after his arrest on 08.11.2023. 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

July 18, 2024
rps

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