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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-8787-2024
Date of decision:-18.07.2024

LACHHMAN SINGH

Versus

... Petitioner

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Amit Dhawan, Advocate for the petitioner.
Mr. Adesh Pal Singh, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned counsel for the State has filed reply by way of affidavit dated 19.03.2024 of Deputy Superintendent of Police (D), Jagraon, District Ludhiana (Rural) and also custody certificate dated 17.07.2024, the same are taken on record. Copies thereof has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
249	12.12.2023	15 and 25 of NDPS Act, 473 IPC and 25 of Arms Act (29 IPC added later on)	Sidhwan Bet, District Ludhiana



3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and has no concern, whatsoever with the alleged transactions wherein the police had recovered the contraband from the possession of co-accused Harjinder Singh @ Rindi. He contends that the petitioner has no concern with the Harjinder Singh @ Rindi but has been nominated on the alleged disclosure statement and arrested on 20.12.2023. He submits that challan has already been presented in court and conclusion of trial will take sufficient long time, as such he prays for grant of concession of bail to the petitioner.

5. Per contra, learned State counsel referring to the reply submitted by the State, admitted that the name of the petitioner surfaced in the disclosure statement made by co-accused Harjinder Singh @ Rindi from whom the contraband along with drug money was recovered. According to him the petitioner has been helping the co-accused Harjinder Singh Rindi in the sale of narcotics and hence prayed for dismissal of the petition.

6. After considering the respective submissions and perusing the record, it transpires that the instant FIR was registered against Harjinder Singh @ Rindi by the police from whom 270 bags of poppy husk containing 20kg each was recovered along with ₹1.25 crores drug money and fake number plates. During his interrogation he nominated the petitioner as his accomplice who was later arrested on 20.12.2023. Admittedly, no recovery of contraband was effected from the petitioner and the only recovery effected from him happens to be one WiFi modem. The challan has already been



presented in court against the petitioner. The conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no purpose would be served by detaining the petitioner any longer in custody.

7. Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

18.07.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |