



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

**CRM-M-28652-2024**

**DECIDED ON: 31.05.2024**

**LAKHWINDER SINGH ALIAS LAKHA**

**.....PETITIONER**

**VERSUS**

**STATE OF PUNJAB**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Manpreet Ghuman, Advocate  
for the petitioner.

**SANDEEP MOUDGIL, J (ORAL)**

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.91, dated 08.03.2024, under Sections 15 and 29 of NDPS Act, 1985, registered at Police Station City Barnala, District Barnala.

Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR but was subsequently roped in the instant FIR only on the basis of disclosure statement of supplier Gursewak Singh whose name was disclosed by main accused Rajan, from whom the alleged recovery of 12 kgs of poppy husk was effected. Apart from the disclosure statement made by co-accused Gursewak Singh, no other incriminating material is available with the investigating agency to connect the petitioner with the commissioning of offence as has been vehemently argued on behalf of the petitioner.

Notice of motion.

On the asking of the Court, Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State and on instructions from ASI Naib Singh could not controvert the aforesaid fact but seeks dismissal of the instant anticipatory bail on the ground that the petitioner is a habitual offender and is involved in four other cases.

In rebuttal to the aforesaid assertion qua the pendency of other cases, learned counsel for the petitioner submits that in two cases, the petitioner was convicted and in two cases he is on bail. As far as the conviction in two cases is concerned, in one case he has undergone sentence and in another his sentence stands suspended by this Court wherein the appeal is pending for final adjudication.

Even otherwise on various occasions, this Court has dealt with such issue and on the basis of dictum laid down ***“Baljinder Singh alias Rock vs. State of Punjab”*** passed in CRM-M-25914-2022, decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of concession of bail.

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

The present petition in the aforesaid terms stands allowed.

31.05.2024  
Poonam Negi

(SANDEEP MOUDGIL)  
JUDGE

|                                  |               |
|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |