



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.59529 of 2024
Date of decision: 28th November, 2024

Lakhwinder Singh @ Lakha & another
... Petitioners

Versus

State of Punjab
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL
Present: Ms. Swetlana, Advocate for
Mr. Sandeep Verma, Advocate for the petitioners.

MANJARI NEHRU KAUL, J.

1. The petitioners are seeking the concession of bail under Section 482 BNSS in case FIR No.123 dated 22.09.2024 under Sections 21, 22, 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as, ‘the Act’) registered at Police Station Kot Ise Khan, District Moga.
2. Learned counsel for the petitioners submits that the false implication of both the petitioners in the present case is evident from the fact that they were not present along with co-accused Thakur Singh, from whom a recovery of 10 grams of Heroin along with 50 other intoxicant tablets etc. was allegedly affected. Learned counsel has further submitted that the co-accused, on being arrested, did not also suffer any disclosure statement with respect to the involvement of either

of the two petitioners in drug trafficking, which clearly lends support to their false implication in the present case.

3. Notice of motion.

4. Mr. Navdeep Singh, Dy. Advocate General, Punjab, who is present in Court, accepts notice on behalf of the State.

5. Learned State counsel, while vehemently opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that no doubt both the petitioners were not present with the co-accused Thakur Singh, from whom the alleged recovery of contraband was affected, however, a specific secret information had been received by the police qua not only co-accused Thakur Singh, but even qua both the present petitioners; pursuant to the secret information the police apprehended the co-accused Thakur Singh, leading to the recovery of contraband from him after due compliance of the mandatory provisions of the Act. Learned State counsel has submitted that in the circumstances, once there was a specific secret information received qua the involvement of the petitioners in drug trafficking, even if they were not present with the co-accused, it would not come to their rescue, more so when it is a matter of record that both the petitioners have previous criminal antecedents; petitioner Veer Kaur is on bail in another case under the NDPS Act and hence, it is evident that she has misused the said liberty granted to her.

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

7. Prima facie, the petitioners, who were named in the specific secret information, come across as habitual offenders and in view of the widespread menace of drug trafficking in this part of the country, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioners. The petition, as such, stands dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

November 28, 2024
rps

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