

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

CRM-M-12413-2025 (O&M)

Date of decision: 24.04.2025

Lakhwinder Singh @ Lakhu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Rajat Verma, Advocate for the applicant/petitioner.

Mr. T.P.S.Walia, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

CRM-12404-2025

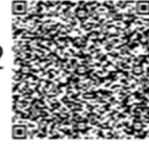
Application for placing on record the counter reply to the short reply filed on behalf of the State of Punjab.

Notice of the application to the non-applicants/respondents.

Mr. T.P.S.Walia, learned AAG, Punjab accepts notice on behalf of the non-applicant/respondent and raises no objection to the present application.

In view of the above and for the reasons mentioned in the application, same is allowed subject to all just exceptions. Counter reply to

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the short reply filed on behalf of the State of Punjab is taken on record. Registry will tag the same at appropriate place.

MAIN CASE

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS') for grant of pre-arrest bail to the petitioner in FIR No.172 dated 20.11.2024, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short* 'NDPS') [Section 29 of the NDPS Act added later on], registered at Police Station Kot Ise Khan, District Moga.

(2) Allegations are that co-accused Malkit Singh @ Babba was found in possession of 180 loose tablets of Clonazepam without any license and petitioner has been nominated on the basis of disclosure, made by aforesaid co-accused.

(3) Learned Counsel contends that petitioner was granted interim protection by Coordinate Bench, vide order dated 25.03.2025 and in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.

(4) The above factual position is not disputed by learned State Counsel, on instructions from the police official concerned.

(5) Heard learned Counsel for the parties and perused the paper-book.

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(6) It transpires that petitioner was granted interim protection by Coordinate Bench, vide order dated 25.03.2025 and the same reads as under:-

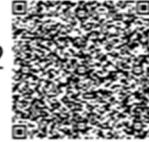
“Apprehending his arrest in FIR No.172 dated 20.11.2024 registered for offences punishable under Section 22 NDPS Act (Section 29 of NDPS Act added later on) at Police Station Kot Ise Khan, District Moga; the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.

Inter alia contends that the petitioner is sought to be implicated into the FIR in question on the basis of disclosure statement of co-accused from whom the alleged contraband (180 loose tablets of Clonazepam) is alleged to have been recovered & the petitioner is willing to join investigation and cooperate therein. In order to buttress his arguments, learned counsel for the petitioner has relied upon the dicta of the judgments of the Hon’ble Supreme Court in ‘Vijay Singh versus The State of Haryana’ bearing Special Leave to Appeal (Crl.) No(s).1266/2023’, ‘State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr’ 2022(1) RCR (Criminal) 762, ‘Tofan Singh vs. State of Tamil Nadu, AIR 2020 Supreme Court 5592 and ‘Smt. Najmunisha, Abdul Hamid Chandmiya @ Ladoo Babu vs. State of Gujrat, Narcotics Control Bureau’ 2024 INSC 290.

Adjourned to 24.04.2025.

The petitioner is directed to appear before the Investigating Officer on 01.04.2025 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the

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investigation. He shall abide by the condition(s) enumerated under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.”

(7) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

(8) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 25.03.2025 is made absolute subject to the conditions as envisaged under Section 482 (2) of the BNSS.

(9) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(10) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(11) It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

24th April, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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