

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

CRM-M-19975-2025  
Reserved on: 02.07.2025  
Pronounced on: 23.07.2025

Lakhvir Singh @ Sahil @ Boxer

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ankit Rana, Advocate  
for the petitioner (through V.C.).

Mr. Jasdev Singh Thind, D.A.G., Punjab.

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ANOOP CHITKARA, J.

|         |            |                             |                        |
|---------|------------|-----------------------------|------------------------|
| FIR No. | Dated      | Police Station              | Sections               |
| 48      | 15.03.2025 | Samrala, District<br>Khanna | 22, 27, 29 of NDPS Act |

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. Per paragraph 10 of the bail petition and 10(F) of status report, the petitioner has the following criminal antecedent:

| Sr. No. | FIR No. | Dated      | Offenses           | Police Station |
|---------|---------|------------|--------------------|----------------|
| 1.      | 54      | 18.03.2025 | 21, 29 of NDPS Act | Samrala        |

3. Facts of the case are being taken from status report dated 12.05.2025 filed by State counsel. On 15.03.2025, when the police party was present near the bridge at Machhiwara Road for patrolling and nakabandi, then at noon time, they received secret information that one Ravinder Singh, Jaideep Singh and Vipan Kumar are drug addicts and they were consuming drugs and also in possession of intoxicant tablets. The Investigator claims to have complied with statutory requirement of NDPS Act and was able to nab them and recovered 2.5 strips i.e. 50 tablets of LOMOTIL. During their arrest, the accused informed the Investigator that they had purchased the drugs from the present petitioner and thereafter, he was nominated as an accused.

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner

and their family.

5. Counsel for the petitioner submits that the evidence is in the shape of disclosure statement and has no evidentiary value.

6. The State's counsel opposes bail and refers to status report.

7. It shall be appropriate to refer to para no.10 of status report dated 12.05.2025 which reads as follows:

***“A. The name and total weight of the drug.***

*That 2.5 strips (50 tablets) of Lomotil were recovered from the place of occurrence, which were being consumed by the arrested co-accused One strip (20 tablets) was separated and sent to the Forensic Science Laboratory for chemical analysis. The final net weight of the recovered substance is subject to the FSL report, which is awaited.*

***B. The evidence based on which the petitioner was arraigned as an accused:***

*That during the interrogation of accused Ravinder Singh, Jaideep Singh, and Vipin Kumar on 15-03-2025, all three disclosed that the intoxicant tablets consumed by them were purchased from the present petitioner Lakhvir Singh @ Boxer.*

***C. The evidence against the petitioner:***

*That the petitioner has been named in the disclosure statements of the arrested co-accused, namely Ravinder Singh, Jaideep Singh, and Vipin Kumar, as the primary supplier of the recovered intoxicant tablets.*

***D. The role of the petitioner:***

*That the role of the petitioner Lakhvir Singh @ Boxer is that he supplied the intoxicant tablets (Lomotil) to the co-accused persons for illegal consumption. His name has also surfaced in another FIR under the NDPS Act, further indicating a pattern of drug-related activity. He is a habitual offender dealing in intoxicant substances and plays a key role in the chain of supply.”*

8. After this status report, this Court had asked further investigation and had asked for fresh status report which was filed on 01.07.2025. It shall be appropriate to refer to paras no.2,3 and 4 of the said status report which reads as follows:

*“2. That in this regard, it is respectfully submitted that in compliance with the directions of this Hon'ble Court, the petitioner joined the investigation. During the course of investigation, the petitioner disclosed his mobile number as 77173xxxxx. The call detail records (CDRs) pertaining to the said number were duly*

*obtained and thoroughly analyzed by the investigating agency. However, no linking communication or material connection could be found between the petitioner and the other co-accused persons on the basis of the said number.*

*3. That it is further submitted with due deference that the possibility of the petitioner having used some other undisclosed mobile number(s) cannot be ruled out.*

*4. That it is also respectfully submitted that the petitioner was requested to provide details of his bank accounts and financial transactions to enable proper examination of any monetary trail or financial link with the co-accused. However, no such details were provided by the petitioner despite sufficient opportunity. Consequently, the investigating agency has not been able to verify his financial records or assess any potential transaction that could be relevant to the offence under investigation. Therefore, the custodial interrogation of the petitioner is required.”*

9. This Court cannot deny bail by referring to the quality of evidence collected so far. Opportunity was duly granted to the Investigator to do investigation. Investigation does not mean subjecting somebody rights by forcing him to be a witness against him under Article 20(3) of Constitution of India.

10. The evidence collected might be prima facie sufficient to launch prosecution or even to frame the charges; however, for the purpose of denying bail, the evidence is insufficient.

11. Given the penal provisions invoked, the legal admissibility of evidence collected against the petitioner, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or pre-trial incarceration.

12. Given the above, without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for anticipatory bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

13. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

14. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

|    |                                                                                                                                      |  |
|----|--------------------------------------------------------------------------------------------------------------------------------------|--|
| 1. | AADHAR number                                                                                                                        |  |
| 2. | Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk. |  |
| 3. | Mobile number (If available)                                                                                                         |  |
| 4. | E-Mail id (If available)                                                                                                             |  |

15. This order is subject to the petitioner’s complying with the following terms.

16. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

17. Given the background of allegations against the petitioner, it becomes paramount to protect the detection squad, members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

18. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense and also to block the menace of drug abuse. In Mohammed Zubair v. State of NCT of Delhi, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon’ble Supreme Court holds that “The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so,

conditions that would result in the deprivation of rights and liberties must be eschewed.”

19. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

20. In Md. Tajiur Rahaman v. The State of West Bengal, decided on 08-Nov-2024, SLP (Crl) 12225-2024, Hon’ble Supreme Court holds in Para 7, “It goes without saying that if the petitioner is found involved in such like offence in future, the concession of bail granted to him today will liable to be withdrawn and the petitioner is bound to face the necessary consequences.”

21. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

22. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

23. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

24. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

23.07.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.