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

CRM-M-41517-2025

Date of decision : 07.08.2025

Lakhwinder Singh @ Lakha Singh**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Inderjit Sharma, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail to the petitioner in case FIR No.0039 dated 17.05.2025, under Sections 21(b) and 29 of NDPS Act, registered at Police Station Nandgarh, District Bathinda.

2. Succinctly the facts of the case are that the police party while on patrolling on 17.05.2025, reached near Anaj Mandi, Jhumba, saw a young man sitting under the *pulia (sedda)* built in between the Anaj Mandi, was searching the plastic envelope which he was holding in his hands. On seeing the police, he got perplexed and tried to escape. On suspicion, he was stopped and on asking, he disclosed his name as Amritpal Singh @ Numberdar. On giving the offer, search was conducted and on conducting the search, 07 grams of heroin was recovered from the transparent plastic envelope. He failed to produce any licence for



possession of the contraband and thus, FIR was registered and he was arrested on the spot. On registration of FIR, investigation commenced. During investigation, he made a disclosure statement about co-accused, namely, Lakhwinder Singh @ Lakha Singh (present petitioner) and thus, he was also arrayed as an accused in the present case and arrested on 02.06.2025. Thereafter, the petitioner approached the Ld. Judge, Special Court, Bathinda, for grant of bail, however, after hearing both the sides, the same was declined by the Learned Judge, Special Court, Bathinda vide order dated 07.07.2025. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. It has been contended by counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that 07 grams of heroin was recovered from co-accused, namely, Amritpal Singh @ Numberdar. He submits that it is on the basis of disclosure statement of the co-accused, the petitioner was arrayed as an accused in the present case only on the allegation that the petitioner was the supplier of contraband. He submits that disclosure statement of co-accused, is not even an admissible evidence. He submits that the petitioner was arrested on 02.06.2025 and since then he is behind bars. He submits that even otherwise the recovery effected from the co-accused is 07 grams of heroin, which is a non-commercial quantity and marginally above the small quantity. He submits that the investigation is complete and challan stands presented. He further submits that though the petitioner is illegally involved in 04 more cases, however, he is on bail in all those cases. He thus, submits that in the facts and circumstances of the present case, he deserves to be granted regular bail.

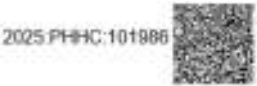
4. Per contra, learned State counsel has opposed the



submissions made by counsel for the petitioner. He submits that the petitioner is a habitual offender who is involved in 04 more cases. He submits that the complicity of the petitioner was found during investigation as his name was surfaced in the disclosure statement of co-accused, Amritpal Singh @ Numberdar, from whom 07 grams of heroin was recovered. He, on instructions, has submitted that investigation in the present case is complete and challan has already been presented. He has produced the custody certificate of the petitioner.

5. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrayed as an accused in the present case only on the basis of disclosure statement made by the co-accused from whom the alleged contraband of 07 grams of heroin was recovered. As per custody certificate, the petitioner has suffered an incarceration of 02 months and 03 days as on 06.08.2025. It further reflects that though the petitioner is involved in 04 other cases, out of which, in 03 cases he is on bail. As submitted before this Court, investigation in the present case is complete and challan has already been presented.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.



7. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

07.08.2025
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(RAJESH BHARDWAJ)
JUDGE

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