



CRM-M-53503-2025

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

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CRM-M-53503-2025 (O & M)
Date of decision: 30.09.2025

LAKHBIR SINGH @ LAKHA

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ruhani Chadha, Advocate,
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.92 dated 16.05.2022, registered under Sections 21 and 23 NDPS Act, Section 25 of the Arms Act, 1959, Sections 4 and 5 of the Explosive Substances Act, 1908, at Police Station Special Task Force, District STF Wing (SAS Nagar), (Sections 27-A, 29 and 59(2) of NDPS Act, 1985, Sections 7, 13(1), (A) (2) of Prevention of Corruption Act, 1988 added later on and Sections 13, 16, 18, 20 of UAPA Act, which stands deleted vide DDR No.12 dated 18.09.2023).

2. Learned counsel contends that the petitioner has been in custody for 2 years, 2 months and 14 days. He alleges false implication. No recovery has been effected from the petitioner. Though he has been

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named in the secret information alongwith one Sarabjit Singh alias Satnam alias Sabha, who was a juvenile and stands declared innocent on 16.05.2022, but he was arrested after one year. Co-accused, namely, Sawinder Singh @ Bhola, Harpreet Singh @ Happy and SI Narinder Singh, from whom recovery was effected, have been granted bail. Charges have been framed on 23.02.2023, however, out of 43, 17 witnesses still remain to be examined. The petitioner is involved in 3 more cases, in two of which, he is on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. Learned State counsel opposes the bail on the ground that the petitioner, who was named in the secret information, is involved in cross border smuggling of narcotics. However, he is unable to controvert the submissions with regard to stage of the case, he being bail in 2 other cases and the co-accused having been enlarged on bail.

4. Heard.

5. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc." Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, "The

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offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail.”

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 2 years, 2 months and 14 days; on bail in two other cases; co-accused having been released on bail, out of 43 prosecution witnesses, only 21 have been examined so far; the trial is likely to take a considerable time and further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

7. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.

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- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

30.09.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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