

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:019148



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CRM-M-48328-2025 (O&M)
Date of decision:09.02.2026

Lakhwinder Singh @ Lakha

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. J.S. Sekhon, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No.6 dated 23.08.2022, registered under Sections 153, 153-A, 120-B IPC and Section 25 of the Arms Act (Sections 212, 216 IPC and Section 21, 25, 27-A, 29 of the NDPS Act were added lateron), at Police Station SSOC, SAS Nagar, Mohali.

2. As per the allegations, on 23.08.2022, on receipt of a secret information to the effect that one Lakhbir Singh @ Landa who was now residing in Canada, had been engaged in the business of supply of illicit arms and ammunitions and funding by illegal means in connivance with Satnam Singh @ Satta, Gurlal Singh @ Lally, Rajan Bhatti and some

unknown persons. It was also informed that he was a follower of Khalistani Separatist Ideology and intended to create disturbance in the name of religion at the instance of ISI by targeting the political leaders and leaders of religious organization to disturb the peace of State of Punjab. FIR was registered. Investigation proceedings were initiated.

3. As per the further allegations, during the course of investigation, accused Rajan Bhatti @ Rajbir Singh was arrested on 08.02.2024. He suffered disclosure statement on the basis of which the present petitioner was nominated as an additional accused on the allegations that he was facilitating the criminal activities by the co-accused. Some other persons were also nominated as such. He was already in custody in some other case and his presence was secured by way of issuance of production warrants. He was joined into investigation of this case on 22.02.2024. Investigation now stands concluded and the petitioner along with co-accused is facing trial for commission of the aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 22.02.2024 in this case. Co-accused have been extended benefit of bail. The trial will take considerable time to conclude. His continued detention would not serve any useful purpose. With these broad submissions, it is, urged that the petition deserves to be allowed.

5. Per contra, learned State counsel while relying upon the pleas as taken in the status report has vehemently argued that the allegations against the petitioner are serious in nature. He is a habitual offender being involved in 05 other cases, 02 of which are under the provisions of the NDPS Act.

There are chances of his committing similar offences or absconding, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the petitioner.

7. The petitioner is alleged to be a member of gang operated by Lakhbir Singh @ Landa for committing illegal activities in the State of Punjab. He is in custody since 22.02.2024. No recovery has been effected from him. Allegations against him are that he had harboured the co-accused Rajan Bhatti by rendering logistical assistant and facilitating the use of vehicle at the time of committing the subject offences. It is only on thorough assessment of the evidence to be produced during trial that any conclusion as to his active involvement in the commission of the aforementioned offences can be drawn. It is well settled proposition of law that bail is the rule and jail is an exception and pre-trial incarceration should not be a replica of post conviction sentencing. The object of jail is to secure appearance of the accused during trial and it cannot be punitive or preventive. There is nothing on record to show that the petitioner may abscond or commit similar offences. In view of the discussion as made above, this Court is of the considered opinion that a case for release of the petitioner on bail is made out. Accordingly the petition is allowed and the petitioner is directed to be released on bail subject to his furnishing fresh personal bonds as well as surety bonds by two sureties in the like amount each to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. The petitioner shall, however, keep the trial Court agency informed about his residential

address and his mobile number. He will keep his mobile phone active round the clock. He will also remain present before the trial Court on each and every date of hearing, failing which it shall be taken as misuse of the concession of bail. Similarly, if the petitioner is found involved in any other case of similar nature, that will amount to misuse of concession of bail and in that event, it shall be open to the State to apply for cancellation of bail without further reference to this Court.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

09.02.2026

harjeet

**(MANISHA BATRA)
JUDGE**

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