

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:016552



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CRM-M-57710-2025 (O&M)
Date of decision:04.02.2026

Lakhan Singh @ Lakha

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sahil Choudhary, Advocate and
Mr. Manjeet Garhwal, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

...

Manisha Batra, J. (Oral).

1. Instant petition has been filed by the petitioner for grant of regular bail in case arising out of FIR No.166, dated 20.10.2024, registered under Sections 21-C and 29 of the NDPS Act, at Police Station Shahzadpur, District Ambala.

2. As per the allegations, on 20.10.2024, a secret information was received to the effect that accused Rachhpal Singh was indulged in the business of sale of intoxicant capsules and at that point of time also, he was going towards the brick kiln, Kakadmajra to supply such tablets/capsules to some of his customers. It was informed that he could be apprehended. Believing the secret information to be true, a raiding party was formed, which reached at the informed place and apprehended accused Rachhpal

Singh, who was found to be in conscious possession of 696 capsules of Tramadol Hydrochloride which weighed to be 512.14 grams i.e. of commercial quantity. He failed to produce any license or permit for possessing the same. He was formally arrested. On interrogation, he suffered disclosure statement to the effect that he used to purchase the narcotic capsules from the present petitioner and as such, the petitioner was nominated as an additional accused. He surrendered on 04.02.2025 and was joined into investigation. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of co-accused, which cannot be considered to be admissible in evidence. He was not named in the FIR nor any recovery has been effected from him. He has clean antecedents. His further incarceration would not serve any useful purpose. Rigors of Section 37 of the NDPS Act are not attracted qua him. It is, therefore, argued that the petitioner deserves to be extended the benefit of bail.

4. Per contra, learned State counsel, while referring to the status report, has argued that taking into consideration the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

5. This Court has heard rival submissions made by both the parties.

6. The petitioner is alleged to have supplied commercial quantity of contraband to the co-accused. He was not named in the FIR and was nominated on the basis of disclosure statement of co-accused. The well

settled proposition of law is that the Court while considering an application for grant of bail has to keep certain factors in mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of accused absconding or fleeing, if released on bail and reasonable apprehension of the witnesses being threatened. The period of incarceration is also relevant fact that is to be considered. It is also unequivocally established that, to be granted bail, the accused charged with offence under the provisions of NDPS Act must fulfill the conditions stipulated in Section 37 of the Act.

7. The case of the prosecution is that the name of the petitioner was disclosed by co-accused, from whom recovery of contraband has been effected. As per his disclosure statement, he has purchased the recovered contraband from the present petitioner and the petitioner is alleged to be involved in the business of sale of contraband. In **Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1**, it was observed by Hon'ble Apex Court that the disclosure statements made under Section 67 of NDPS Act, are inadmissible in evidence unless corroborated by independent material. While the veracity of the disclosure statement against the petitioner will be tested during the course of trial, however, at this stage, it cannot be ignored that no recovery was ever effected from the petitioner. In view of the above discussion, this Court is of the opinion that the bar under Section 37 of the NDPS Act does not come in the way of granting bail to the petitioner. The

petitioner is in custody since long. In such circumstances, the trial is likely to take long time to conclude. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor be preventive. The deprivation of liberty has been considered as a punishment. As such, 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 ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) he shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) he shall appear before the learned trial Court as and when directed.
- (iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.

(v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switch on all times.

8. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent-State to seek redressal by filing an application seeking cancellation of bail.

9. 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.

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

04.02.2026

harjeet

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No

(MANISHA BATRA)
JUDGE