



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-60172-2025
Decided on : 21.01.2026

Lakhan . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. A.K. Chaddha, Advocate and
Mr. Sunil Kumar Pandey, Advocate
for the petitioner(s).

Mr. Jasdeep Singh, Addl. AG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Lakhan	95	12.04.2025	21(c) & 29 of NDPS Act, 1985 & 25 of Arms Act	ANTF	Mohali

2. As per case of the prosecution, there is recovery of 500 grams of 'heroin' from the possession of the main accused – Ram. After arrest of the said accused, on the basis of disclosure statement, petitioner – Lakhan was also involved in the case with the allegations that he is the person, who had supplied the said narcotic contraband, i.e., heroin to his brother – Ram, after receiving an amount of Rs.60,000/- from his brother – Ram. However, when the petitioner was arrested, neither any narcotic substance was recovered from his possession, nor the amount, as alleged to have been received by him, was recovered.



3. Learned counsel for the petitioner argues that by introducing false allegations regarding receipt of money, prosecution has also projected that petitioner was in possession of one .32 bore pistol (7.65 mm), along with magazine containing 02 live cartridges. Further argues that in fact no connecting evidence has been collected by the prosecution agency during investigation and, therefore, petitioner has been involved only on the basis of disclosure statement, which by itself is a weak kind of evidence and is inadmissible in law, unless supported by independent recovery or corroborative material. Thus, he cannot be detained in jail any longer, as he is already inside jail since 13.04.2025, i.e., for a period of about 09 months. Therefore, prayer has been made for grant of concession of regular bail to the petitioner.

4. On the other hand, learned State counsel has filed the status report and custody certificate dated 19.01.2026 in Court today, which are taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Copies thereof have been handed over to the counsel for the petitioner.

5. Learned State counsel while vehemently opposing the prayer for bail, submits that keeping in view the nature of allegations and other circumstances, the petitioner does not deserve any leniency.

However, learned State counsel candidly admits that no recovery of any narcotic contraband has been effected from the petitioner and his implication rests solely upon the disclosure statement of the co-accused. As per custody certificate, petitioner is not found indulged in any other similar activity under the NDPS Act, though he is shown to be involved in some other cases under the Arms Act and under the other different provisions of IPC. Besides,



other factual assertions, as noticed here-above, have not been disputed by learned State counsel.

6. I have heard learned counsel for the parties and perused the relevant material available on record.

7. At this stage, it is not disputed that no recovery of any narcotic drug or psychotropic substance has been effected from the petitioner, nor any alleged amount of Rs.60,000/- stated to have been paid by the main accused – Ram, has been recovered from his possession. The implication of the petitioner is primarily based upon the disclosure statement made by the co-accused, which by itself is a weak kind of evidence and its evidentiary value is a matter to be examined and adjudicated upon during the course of trial.

Further, petitioner is inside jail since 13.04.2025, i.e., for a period of about 09 months. The process of recording of the statements of prosecution witnesses is yet to commence and thus, the conclusion of trial is likely to take considerable time. In the absence of any specific material placed on record to show that the petitioner has attempted to influence any witness or tamper with the evidence, continued incarceration of the petitioner for an indefinite period would not serve any useful purpose.

8. In view of the totality of circumstances, and the nature of allegations levelled against the petitioner, including the factors noticed here-above, this Court deems it appropriate to grant the concession of regular bail to the petitioner.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.



9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.
10. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.
11. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.
12. Petition stands **disposed of**.
- Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

January 21, 2026
J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*