



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

CRM-M-51500-2025
Date of decision: 19.09.2025

BACHITTAR SINGH ALIAS BITTA

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Jatinder Pal Singh, Advocate
 for the petitioner.

 Mr. Rahul Jindal, AAG, Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. Prayer in the present fourth petition is for grant of regular bail to the petitioner in case having FIR No.147 dated 23.05.2023 registered under Sections 21(c), 25, 29, 27-A of NDPS Act, Sections 25, 54 and 59 of Arms Act and Sections 10, 11, 12 of Air Craft Act at Police Station Special Task Force, SAS Nagar, Mohali.

2. Upon notice, the State counsel has appeared and has opposed the bail. Both the parties have been heard and material placed on the file has been perused.

3. Brief facts of the case are that on 23.05.2023, Puran Singh ASI, Police Station STF Mohali along with other police officials was present at Police Station Lopoke, Amritsar Rural, when he received a secret information at about 6:00 AM to the effect that one Lakhbir Singh



@ Lakha smuggles Heroin and illegal ammunition from Pakistan with the help of drones and on 22.05.2023, he has taken huge consignment of Heroin and ammunition and one drone to the house of his acquaintance namely Jagdeep Singh and he is staying at the house of Jagdeep Singh. In case, a raid is conducted, he can be caught red handed along with the contraband and illegal weapons. Thereafter, the police party reached the house of Jagdeep Singh at village Karrial, Police Station Bhindi Saidan, Amritsar where Lakhbir Singh @ Lakha was found lying on the bed. He was apprehended and he disclosed that an envelope containing Heroin is lying under the driver's seat of his Creta car, a rifle in the dickey of the car, an illicit pistol in the dashboard and one drone has been kept in a box in the house which was procured from Delhi. Thereafter, he led the police to his car parked outside from which, 1 kg 600 grams of Heroin was recovered and rifle 315 bore along with one pistol. All the aforesaid articles were taken into possession and duly sealed. Thereafter, he got recovered one drone from the house which had been kept in a box lying the room. During investigation, Jagdeep Singh, who was owner of the house was arrested on 23.05.2023. Petitioner Bachittar Singh @ Bitta was nominated as an accused by co-accused Lakhbir Singh @ Lakha from whom the contraband was recovered. Said Lakhbir Singh @ Lakha disclosed that the present petitioner had been assisting him in sale of the contraband to the customers, who was also arrested. After completion of usual investigation, final report was presented against the accused for trial.

4. Learned counsel for the petitioner contended that petitioner



has been falsely implicated and he has been nominated as an accused on the basis of disclosure statement of main accused Lakhbir Singh @ Lakha, from whom 1 kg 600 grams of Heroin and weapons were recovered. As per his disclosure statement, petitioner used to assist him in sale of the narcotics but the said disclosure statement is not admissible in evidence. No contraband has been recovered from the possession of petitioner and as such, rigors of Section 37 of the NDPS Act are also not attracted against him, which bar grant of bail in case of recovery of commercial quantity. Learned counsel next contended that only 04 witnesses out of total 25 witnesses cited by the prosecution have been examined till date. Petitioner is in custody since 30.09.2023. Learned counsel further contended that co-accused namely Jagdeep Singh from whose house, main accused Lakhbir Singh @ Lakha was arrested has already been released on bail by this Court vide order dated 04.09.2025. The case of petitioner is on a better footing, as he was not found present at the spot. The trial is likely to take a long time to conclude and his further incarceration is not required and he may be released on bail.

5. On the other hand, learned State counsel has opposed the bail and argued that petitioner has committed a heinous offence and he is the main conspirator, who had been assisting Lakhbir Singh @ Lakha in selling the narcotic substance to the customers and he was, thus, hand in glove with the main accused and petitioner does not deserve the concession of bail.

6. A Co-ordinate Bench of this Court in **Anshul Sardana versus State of Punjab**, passed in CRM-M-65094-2024



(2025:PHHC:004198), after relying upon the law laid down by the Hon'ble Supreme Court in AIR 2020 SC 5592 **Tofan Singh versus State of Tamil Nadu**, 2024 INSC 290; **Smt. Najmunisha, Abdul Hamid Chandmiya @ Ladoo Bapu versus State of Gujrat, Narcotics Control Bureau**, 2022 (1) RCR (Criminal) 762; **State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr.** and judgment dated 17.05.2023 in Special Leave to Appeal (Crl.) No.(s) 1266/2023 titled as **Vijay Singh vs. The State of Haryana**, has held as under:

"6.3 It is a well established principle of law that a confession made by a co-accused under Section 67 of the NDPS Act is inherently a very weak piece of evidence. Such statement(s), by themselves, cannot form the sole basis for the conviction of an individual and must be scrutinized with utmost caution in conjunction with other substantive evidence. Moreover, no recovery has been effected from the possession of the petitioner, who has been subsequently implicated as an accused solely on the basis of disclosure statement of the co-accused. However, as regular bail pertains to life and liberty of individual, Courts are obligated to strike a balance between safeguarding personal liberty and ensuring the effective administration of justice as also investigation. The final evidentiary value and admissibility of the disclosure statement made by a co-accused fall within the domain of the trial Court and are to be adjudicated during the course of the trial in accordance with established principles of law. However, while adjudicating a plea for regular bail, this Court cannot remain oblivious to the circumstances under which the petitioner has been arraigned or implicated, including the nature of the allegations, the evidence linking the petitioner



to the offence as well as the specific role attributed to the petitioner in the commission of the alleged offence. A prima facie examination of these factors is essential to ensure that the process of law is not misused, abused or misdirected."

7. Admittedly, the name of petitioner has cropped up in the disclosure statement of main accused namely Lakhbir Singh @ Lakha. No contraband has been recovered from his possession. As to how much evidentiary value will be attached to the disclosure statement of co-accused shall be the subject matter of trial. Petitioner is in custody since 30.09.2023 and out of total 25 witnesses cited by the prosecution only 04 witnesses have been examined till date. The trial is, thus, likely to take a long time to conclude and further incarceration of the petitioner is, thus, not required.

8. Having regard to the aforesaid factual position, but without commenting anything on the merits of the case, the bail application is allowed and petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(YASHVIR SINGH RATHOR)
JUDGE

19.09.2025
Priyanka Thakur

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