

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

CRM-M-18539 of 2015

Date of Decision: 31.07.2015

Sandeep Singh @ Ravi

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

SNEH PRASHAR, J.

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of concession of regular bail to the petitioner in case FIR No. 19 dated 28.03.2015, under Sections 307/188 of the Indian Penal Code, under Section 25/54/59 of Arms Act, under Section 3/34/30 of Indian Passport Act, under Section 14 of Foreigners Act and under Section 21/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station, Bhindi, District Amritsar.

As per the prosecution story, on the night intervening 27-28.03.2015, a Special ambush was laid in the AQR of BOP Majhmian, 67 Bn BSF. At 280330 hours, the ambush party saw three miscreants with a PVC pipe emerging silently in front of it. They started inserting the PVC pipe through the fencing. The ambush party challenged the miscreants but they did not bother and the stay party behind them opened fire at the ambush team. Sensing imminent danger to their lives

and to stop the brazen attempt of smuggling the ambush party also opened fire in self defence. One of the miscreants fell at the fence, while the other ran into the Pak territory. The fleeing miscreants were seen carrying one of their companion on their shoulders. The total number of miscreants were four. The area was immediately cordoned off by cut off group and more strength from nearby BOPs was called. Sniffer dogs were also called to the spot. The miscreants managed to enter into Indian territory taking cover of foil grown wheat crop in the fields. Some miscreants on Indian side were also noticed. 24 packets of Heroin were recovered inserted in a cloth tube, further inserted into the PVC pipe to make it conduit across the fence for the Indian side miscreants.

Heard the submissions made by Mr. B.S. Bhall, Advocate representing the petitioner and Mr. Ashish Sanghi, DAG, Punjab representing the State.

It was argued on behalf of the petitioner that he was not named in the First Information Report. The ambush party had also not mentioned any identification particulars of the miscreants who had gone to the international border for collecting the packets of Heroin. There is no explanation how the petitioner had been nominated as an accused in the case. Submitting that nothing remains to be recovered from the petitioner, learned counsel sought his release on regular bail.

The prayer was opposed by learned State counsel. He submitted that there were four Indian nationals involved in the

smuggling. One of the Pak nationals who had come to deliver 24 packets of Heroin had died during the firing. One Indian national namely, Sonu, had also suffered gun shot injury. He had first approached Civil Hospital at Ajnala for treatment and from there had gone to Hartej Hospital, Amritsar, and then he shifted to Guru Nanak Dev Hospital, Amritsar but thereafter his whereabouts were not known. Sufficient material has been collected to prove that the petitioner alongwith Sonu had gone to receive the consignment of Heroin which was thrown into the Indian territory.

There is serious allegation against the petitioner. A huge quantity of Narcotic drug was being smuggled from Pakistan to India through the international Border, and the petitioner is stated to be one of the four Indian Nationals who had gone to collect the consignment. There is every possibility that if enlarged on bail, the petitioner may pressurize the prosecution witnesses and may try to temper the evidence.

In view of the facts and circumstances of the case and without going into the merits, in my considered opinion, no ground for release of the petitioner on regular bail is made out and the present petition is hereby dismissed.

July 31, 2015
rashmi

(SNEH PRASHAR)
JUDGE