

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

**CRM-M No.14214 of 2017
Date of Decision: 23.05.2017**

Angrej Singh

.....Petitioner

Versus

State of Punjab and another

... Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Piyush Sharma, Advocate
for the petitioner.

Mr. P.S. Ghuman, Addl, AG, Punjab.

Mr. D.D. Sharma, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J.

[1]. Petitioner has prayed for grant of regular bail in complaint case bearing No.DRI/ASR/855/INT-3/2016 at the instance of respondent No.2 registered under Sections 21, 23, 25, 27-A, 28 and 29 of the NDPS Act read with Customs Act, 1962 and Arms Act, 1959.

[2]. Complaint titled Intelligence Officer, Directorate of Revenue Intelligence Vs. Parkash Singh @ Mintu and others is pending before the Special Judge, Ferozepur bearing case No.NDPS/2831/2016.

[3]. Petitioner claimed that he was minor at the time of alleged recovery and is in custody since 14.04.2016. Complaint was filed by respondent No.2 on receipt of information that one

Prakash Singh @ Mintu is involved in smuggling of narcotic drugs and has gone to smuggle huge contingent of narcotic on 14.04.2016 across the boarder. Raiding party was constituted and a raid was conducted on the house of said Prakash Singh @ Mintu. The door of the house was opened by the petitioner who is brother-in-law of Prakash Singh @ Mintu. According to the petitioner, he had come to meet the family a day prior to the alleged raid. Nothing was found in search of the house. Petitioner is alleged to have disclosed whereabouts of Prakash Singh @ Mintu and he joined the raiding party. Prakash Singh @ Mintu was overpowered with the help of BSF officials from the place as disclosed by the petitioner. On interrogation, Prakash Singh @ Mintu disclosed the place where the narcotic drugs were kept concealed. On raiding the place disclosed by Prakash Singh, 30.498 Kgs of heroin, one pistol, 61 live cartridges and 4 magazines were recovered. Thereafter, complaint was filed.

[4]. The whereabouts of Prakash Singh @ Mintu were disclosed by the petitioner. Though, initially he expressed his ignorance about the whereabouts of Prakash Singh @ Mintu, but on persistent inquiries by the officers of DRI, he informed that Pradeep Singh @ Mintu was hiding near Baba Borh Mandir in the village. Petitioner (Angrej Singh) even joined the raiding

party and accompanied the officers and panchas to the said location. DRI officers accompanied by the petitioner and panchas reached near Baba Borh Mandir. Prakash Singh @ Mintu on seeing the DRI officers started running, but he was overpowered by BSF officials nearby. Initially, Prakash Singh @ Mintu denied having smuggled any narcotic drug, but on persistent inquiry by DRI officers, he admitted having smuggled narcotic drugs and concealed the same in an unused bunker adjacent to Baba Borh Mandir.

[5]. As per disclosure statement and after necessary compliance of the provisions of NDPS Act, DRI officers searched the place adjacent to Baba Borh Mandir as disclosed by Prakash Singh @ Mintu and recovered three vansalies of black coloured cloth containing some packets and one yellow and black strip bag containing some contraband. The complicity of the petitioner was *prima facie* established after recording his statement under Section 67 of the NDPS Act before Senior Intelligence Officer, DRI, Ludhiana on 14.04.2016. Before recording his statement, provisions of Section 67 of the NDPS Act were explained to him by giving caution that his statement could be used against him or any other person in departmental proceedings or in any Court of law as an evidence. He got his statement recorded voluntarily to the effect that he requested

his brother-in-law to search for a good job for him. Prakash Singh @ Mintu told him that he is working for someone for bringing the consignment of heroin from Indo-Pak boarder and if the petitioner helps him, then Prakash Singh @ Mintu would give Rs.10,000/- per packet. Since the petitioner was in dire need of amount, so he also agreed to bring consignment of heroin along with Prakash Singh @ Mintu from Indo-Pak boarder to Bareke village. Petitioner further disclosed that Prakash Singh @ Mintu told him that he called him as and when needed his help. Yesterday, Prakash Singh @ Mintu called him at village Bareke and told him that they would bring the big consignment of heroin from boarder to village Bareke in the night and promised him to give Rs.1,00,000/- for 10 packets. The petitioner further admitted that a day earlier to making statement at about 12 O'clock (night), the petitioner and Prakash Singh @ Mintu went towards drain for bringing the goods and reached there at 1:30 AM. Prakash Singh @ Mintu asked him to locate the consignment and thereafter, they located the same. Thereafter, they started to move towards Baba Borh Mandir and reached there at 4:30 AM on 14.04.2016. Petitioner (Angrej Singh) went to the house of his brother-in-law Prakash Singh @ Mintu and Prakash Singh @ Mintu hide himself near Baba Borh Mandir. Prakash Singh @

Mintu told the petitioner that he would come to his house after concealing the consignment. The complicity of the petitioner as per his statement under Section 67 of the NDPS Act, *prima facie* shows his involvement.

[6]. In view of Section 37 of the Act, petitioner is stated to be in the age group of 16-18 years as on the date of commission of offence. The child between the aforesaid age group cannot be treated to be juvenile keeping in view the amended provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 for which an assessment is to be made by the Magistrate in respect of mental faculty of the accused.

[7]. The grant of bail to Chanan Singh @ Channa is in no way entitles the petitioner for the said relief. The confessional statement of the petitioner ultimately led the DRI officers to arrest Prakash Singh @ Mintu along with huge consignment of narcotic drugs weighing 30.498 Kgs of heroin, one pistol, 61 live cartridges and 4 empty magazines. There are no reasonable ground for believing that the petitioner is not involved in the offence and there is no likelihood of his committing any offence while on bail at this stage.

[8]. The juvenility of the petitioner is yet to be determined, therefore, keeping in view the involvement of the petitioner and taking into consideration, the recovery of huge quantity of

heroin, at this stage, petitioner is not entitled to concession of regular bail.

[9]. In view of aforesaid, the present petition stands dismissed.

[10]. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

23.05.2017
prince

(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Whether Reportable

Yes/No

Yes/No