

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

(1) CRM M-6493 of 2016 (O&M)

Date of Decision: 23.01.2017.

Gurmeet Singh ... Petitioner
Versus

Narcotic Control Bureau, Chandigarh ... Respondent

(2) CRM M-12457 of 2016 (O&M)

Paramjeet Singh ... Petitioner
Versus

Narcotic Control Bureau, Chandigarh ... Respondent

(3) CRM M-17453 of 2016 (O&M)

Sukhwinder Singh ... Petitioner
Versus

State of Haryana and another ... Respondents

(4) CRM M-18372 of 2016 (O&M)

Harbans Singh alias Bansa ... Petitioner
Versus

Narcotic Control Bureau, Chandigarh ... Respondent

(5) CRM M-21443 of 2016 (O&M)

Jagseer Singh ... Petitioner
Versus

Narcotic Control Bureau, Chandigarh ... Respondent

(6)

CRM M-28754 of 2016 (O&M)

Lakhbir Singh @ Lakha

... Petitioner

Versus

Narcotic Control Bureau, Chandigarh

... Respondent

(7)

CRM M-11804 of 2016 (O&M)

Sukhbir Singh @ Sukha

... Petitioner

Versus

Narcotic Control Bureau, Chandigarh

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Sonpreet Singh Brar, Advocate,
for the petitioner in CRM M-6493 of 2016.

Mr. H.S. Hooda, Sr. Advocate with
Mr. C.S. Singh, Advocate,
for the petitioners in CRM M-12457 of 2016 and
CRM M-18372 of 2016.

Mr. D.N. Ganeriwala, Advocate,
for the petitioner in CRM M-21443 of 2016 and
CRM M-11804 of 2016.

Mr. Aditya Sanghi, Advocate,
for the petitioner in CRM M-28754 of 2016.

None for the petitioner in CRM M-17453 of 2016.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. D.D. Sharma, Advocate,
for the respondent.

JITENDRA CHAUHAN.J.

This judgment shall dispose of afore-mentioned seven
petitions arising out of common complaint case NCB Crime No.

14/2015 dated 5.5.2015 under Sections 8, 18 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the Act”) titled as NCB vs. Sukhbir Singh alias Sukha and others.

The petitions bearing CRM M-6493 of 2016, CRM M-17453 of 2016, CRM M-12457 of 2016 and CRM M-21443 of 2016 have been filed for grant of anticipatory bail under Section 438 Cr.P.C.

By filing petitions bearing CRM M-18372 of 2016 and CRM M-28754 of 2016, the petitioners therein seek grant of regular bail and interim regular bail respectively.

CRM M-11804 of 2016 has been filed under Section 482 Cr.P.C for directing the State to send the second sample A-2 and E-2 of the contraband recovered in the aforesaid case for analysis to higher Laboratory i.e. Central Laboratories of Chemical Testing, Bangalore.

It is contended by the learned counsel for the petitioners that the petitioners are innocent and have been falsely involved in the present case. The name of petitioner Gurmeet Singh does not figure in the complaint filed by the Narcotic Control Bureau. It is further contended that name of petitioner Paramjeet Singh has been nominated on the basis of his association with the main accused in the functioning of the one of the liquor vends for which they have a proper licence. Petitioner Sukhwinder Singh has been nominated as co-accused on the basis of details of a telephone call between him and accused

Sukhbir @ Sukha since they belong to the same village and have

friendly relations.

It is further contended that as on date, there is no incriminating evidence against the petitioners. Petitioner Harbans Singh @ Bansa is in custody since 01.10.2015.

On the other hand, the learned counsel for the respondent submits that the petitioners are involved in trafficking of huge quantity of narcotic drugs and psychotropic substances. Moreover, approximately one quintal opium was received by them through various sources from Rajasthan and out of the same 36 kgs of opium was recovered from the petitioners. The presence of the petitioners is required for custodial interrogation and for recovery of the sale proceeds of the substance in issue. It is further submitted that there is concrete evidence collected by the NCB which is in the form of recorded conversation.

I have heard the learned counsel for the parties and have gone through the case file.

On the basis of secret information, 36.150 kgs of opium was recovered from the possession of accused Lakhbir Singh and Sukhbir Singh on 5.5.2015. Both of them have disclosed the names of buyers and sellers of the contraband along with the names of their accomplices including the present petitioners. Petitioners Gurmeet Singh, Paramjeet Singh and Sukhwinder Singh were repeatedly issued notices under Section 67 of NDPS Act to join investigation but they did not do so and ultimately, non-bailable warrants of arrest were issued

against them. However, when they could not be arrested, proceedings under Sections 82 and 83 Cr.P.C were initiated against them. Similar was the case of petitioner Harbans Singh @ Bansa who was arrested in another case under the NDPS Act and was produced in the Court through production warrants. Petitioner Jagseer Singh was named by co-accused/petitioner Sukhdev Singh @ Sukha in his disclosure statement. Allegedly, he was acting as a carrier for accused/petitioners Sukhbir Singh and Lakhbeer Singh @ Labha. He would buy huge quantity of opium from them and deliver the same to the main supplier on their behalf. In fact, as per the disclosure statement, on the day of arrest i.e. 05.05.2015 also Jagseer Singh had bought opium from him. During the course of hearing, the learned counsel for the respondent passed on the transcript of the conversation between co-accused Sukhbir @ Sukha and Harbans Singh. In the conversation, there is a mention that they tried to bribe the trial Judge at the first instance and then the Judge through his Reader. The presence of the petitioners is required for further probing the matter and for recovering the sale proceeds.

As far as grant of interim bail to petitioner Lakhbir Singh @ Lakha on medical grounds is concerned, a perusal of the record indicates that the petitioner has been undergoing treatment from PGIMS, Rohtak and from a private hospital at Gurgaon as well. Furthermore, this Court, vide order dated 22.12.2016, had directed the

State to look into medical aspect of the matter and to provide

appropriate medical treatment to the petitioner. Therefore, considering that medical treatment of the petitioner is going on, no case for interim bail on medical grounds is made out.

Furthermore, there does not appear to be any merit in the petition filed for sending second sample 'A2' and 'E2' for re-analysis as the alleged variation or discrepancy in these two samples recovered from two different places is a matter to be dealt by the trial Court at an appropriate stage.

Taking all the aforesaid factors into consideration, this Court is of the opinion that the petitioners do not deserve the concession of bail as there are chances of its misuse by them. Consequently, all the petitions including petition for sending the second sample to the higher laboratory are dismissed.

23.01.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No