

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24190-2018 (O&M)

Date of decision: 05.11.2019

Hardev Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vipul Jindal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for transfer of investigation of FIR No.07 dated 27.03.2018 under Sections 21 & 29 of The Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station State Special Operation Cell, Amritsar, to some other independent agency.

Learned counsel for the petitioner has submitted that the petitioner had filed CRM-M-7841-2018, praying for issuance of direction to the official respondents to protect his life and liberty at the instance of Inspector Inderdeep Singh @ Inderbir Singh and the said petition was disposed of vide order dated 23.02.2018, with a direction to the Senior

Superintendent of Police (Rural), Amritsar to look into the allegations levelled in the representation and decide the same. It is further submitted that in the said petition, the petitioner has given various instances, when the aforesaid Inspector Inderdeep Singh @ Inderbir Singh had extended threats to him, as he is running a marriage palace and the said Inspector is threatening him to close the same, on account of political pressure. It is also submitted that later, on 26.03.2018, the petitioner and his minor son were picked up by Inspector Inderdeep Singh @ Inderbir Singh and the petitioner was involved in FIR No.26 dated 06.11.2017 under Sections 21/29/61/85 of NDPS Act, Police Station SSOC, Amritsar, by showing the alleged recovery of 270 grams of heroin from one Sukhbir Singh @ Sukh and 04 kgs of heroin from the petitioner.

Learned counsel for the petitioner has argued that since the petitioner was having apprehension, for which he has filed the aforesaid petition, involvement of the petitioner in FIR No.26 is on account of malafide action of Inspector Inderdeep Singh @ Inderbir Singh and therefore, the present FIR No.07 may be transferred to some other independent agency.

Reply by way of affidavit of Sub Inspector Amandeep Singh, Counter Intelligence, Amritsar is on record. It is stated in the affidavit that the Intelligence Wing of Punjab Police has three separate units i.e. CID Unit, State Special Operation Cell and Counter Intelligence. The State Special Operation Cells are designated as police stations, however, Counter Intelligence is not given the status of police station and therefore, the FIRs

registered by the operation team of Counter Intelligence are registered in the Police Stations State Special Operation Cell. It is further stated that in Amritsar, the Counter Intelligence has an operation team comprising of 20 police officials, who are non-gazetted officers i.e. Inspectors, Sub Inspectors, Assistant Sub Inspectors as well as NGOs. As and when some information is received by the operation team, the police takes action in accordance with law.

It is also stated in the affidavit that petitioner Hardev Singh @ Rambo is habitual offender and he is involved in the business of selling narcotics and is involved in FIR No.122 dated 10.06.2014 under Sections 21/61/85 of NDPS Act, Police Station Maqsudan, District Jalandhar Rural, and FIR No.119 dated 30.10.2017 under Sections 323, 324, 452, 295, 354, 506, 148, 149 IPC, Police Station Sarhali, District Tarn Taran. It is further stated that other family members of the petitioner i.e. his father Makhan Singh, uncles (chacha) Skattar Singh @ Laddi, Gajjan Singh and cousin Harjit Singh are also involved in the business of drug paddling. The detailed list of FIRs pending against father of the petitioner namely Makhan Singh and other relatives is as under: -

'FIRs registered against Makhan Singh, father of Hardev Singh

i. FIR No.32 dated 14.04.2003 under Sections 18/61/85 of NDPS Act, PS Goindwal Sahib, District Tarn Taran (recovery 7.659 kg opium).

'FIRs registered against Skattar Singh @ Ladi, uncle (real chacha) of Hardev Singh

- i. FIR No.24 dated 18.03.2016 under Sections 21/29/61/85 of NDPS Act, PS Harike, District Tarn Taran.*
- ii. FIR No.48 dated 20.10.2012 under Sections 21/61/85 of NDPS Act, PS Kotwali, Kapurthala.*
- iii. FIR No.157 dated 27.10.2014 under Sections 21/61/85 of NDPS Act, PS Sarhali, District Tarn Taran.*

FIRs registered against Gajjan Singh, uncle (real Taya) of Hardev Singh

- i. FIR No.43/91 under Sections 307/148/149 IPC, Sections 25/54/59 of Arms Act, PS Goindwal, District Tarn Taran.*
- ii. FIR No.32 dated 14.04.2003 under Sections 18/61/85 of NDPS Act, PS Goindwal Sahib, District Tarn Taran.*
- iii. FIR No.144 dated 21.10.2007 under Sections 341/323/452/506 IPC, PS Sarhali, District Tarn Taran.*
- iv. FIR No.61 dated 27.07.2008 under Sections 279/337/338 IPC, PS Sarhali, District Tarn Taran.*
- v. FIR No.50 dated 16.04.2013 under Sections 18/61/85 of NDPS Act, PS Sarhali, District Tarn Taran.*

FIRs registered against Harjit Singh, real cousin of Hardev Singh

- i. FIR No.55/08 under Sections 498/489 IPC, PS Kot Isse Khan, Moga.*
- ii. FIR No.132/08 under Sections 18/61/85 of NDPS Act, PS City Tarn Taran.*
- iii. FIR No.44/13 under Sections 411, 414, 489 IPC, 15/22/61/85 of NDPS Act, PS Sarhali, District Tarn Taran.*
- iv. FIR No.332/13 under Sections 21/61/85 of NDPS Act, PS Goindwal Sahib, District Tarn Taran.'*

It is further stated in the affidavit that on 04.11.2017, Inspector Inderdeep Singh @ Inderbir Singh, being incharge of the operation team of

Counter Intelligence, Amritsar, arrested Sukhbir Singh @ Goldy and Pargat Singh and recovered 01 kg of heroin with Rs.61,61,000/- drug money, one pistol of .32 bore, 103 live cartridges .32 bore along with two vehicles and on interrogation, they revealed that petitioner Hardev Singh is kingpin of the drug racket and thereafter, the petitioner was nominated in the FIR No.25 dated 04.11.2017 under Sections 21/29/61/85 of NDPS Act, Police Station SSOC, Amritsar. Again on receiving a secret information that the petitioner is having connection with the Pakistan based drug smugglers and is going to receive three consignments with the help of associates, one Sukhbir Singh @ Sukh was arrested in presence of Sh. Harbhajan Singh, PPS, DSP, Counter Intelligence, Amritsar and 270 grams of heroin was recovered from him in FIR No.26 dated 06.11.2017 under Sections 21/29/61/85 of NDPS Act, Police Station SSOC, Amritsar. It is also stated that even accused Sukhbir Singh @ Sukh disclosed that the petitioner is kingpin of the smuggling racket and is supplying the drug money and therefore, he was nominated in the said FIR No.26 as well. Thereafter, the petitioner was arrested and produced before the Illaqa Magistrate.

It is next stated in the affidavit that during the investigation, the petitioner made a disclosure statement in the presence of DSP, Counter Intelligence, Amritsar and recovery of 04 kgs of heroin was effected in the presence of Gazetted Officer and the present FIR No.07 was registered. It is also stated that subsequent to completion of the investigation in aforementioned FIRs, challans have been presented before the trial Court and the cases are now pending for trial. It is also stated that in compliance

of the order dated 23.02.2018 passed in CRM-M-7841-2018, an inquiry was conducted by the Senior Superintendent of Police (Rural), Amritsar and the allegations were found to be false and the inquiry report was submitted on 30.05.2018 to the Superintendent (Criminal), for Registrar (Judicial), of this Court and even bail application of the petitioner filed vide CRM-M-41460-2018 before this Court stands dismissed on 13.11.2018.

Learned State counsel, on instructions from Inspector Amandeep Singh, has thus submitted that the FIRs have been investigated thoroughly and the recovery was effected in the presence of Gazetted Officer and therefore, the allegations of the petitioner against respondent No.8 Inspector Inderdeep Singh @ Inderbir Singh were not found correct.

After hearing learned counsel for the parties, finding that challan stands presented and the case is now subjudice before the Special Court, this petition is dismissed.

However, nothing observed in this order shall have any bearing on merits of the case and right of defence to be led by the petitioner, in accordance with law.

[ARVIND SINGH SANGWAN]
JUDGE

05.11.2019
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No