

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

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**CRM-M No.11685 of 2020
Date of decision:04.08.2020**

Krishna

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Charanjit Singh Bakshi, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G. Punjab.

SUVIR SEHGAL J. (ORAL)

Case has been taken up for hearing through video conferencing due to Covid-19 pandemic.

Mr. Charanjit Singh Bakshi, Advocate has put in appearance on behalf of the petitioner and filed a copy of the Power of Attorney. Same is taken on record.

Present petition has been filed on behalf of Krishna, daughter of Lal Singh, under Section 439 Cr.P.C. for grant of regular bail in case FIR No.23, dated 26.10.2017 under Sections 21, 25, 27-A, 29 Narcotic Drugs & Psychotropic Substances Act, 1985 and Section 25 of the Arms Act, 1959 registered at Police Station SSOC, Amritsar.

The FIR was registered on the basis of secret information that Baldev Singh, Nishan Singh, Gurjant Singh, Harmesh Singh @ Kali, Gurmej Singh @ Geju and Krishna (present petitioner) are involved in large scale smuggling of arms and heroin from Pakistan and supply it in Punjab and other states. The accused, according to the information, were immediate family members and friends of Joginder Singh @ Sammi son of Lal Singh, who is confined in Central Jail, Amritsar and Nirvail Singh, son of Baldev Singh, who is confined in Faridkot Jail and through their network established with the smugglers from Pakistan, all of them operate together. On the basis of the information received, police nakas were designated and the petitioner along with the other co-accused were apprehended on the spot. 3 Kg heroin was recovered from Baldev Singh and an amount of Rs.1 Lac was recovered from Nishan Singh, besides Rs.2 Lacs from Harmesh Singh, another 3 Kg heroin was recovered from the scooter on which Krishna was travelling. The petitioner was apprehended on the spot.

Counsel for the petitioner has submitted that the petitioner is a young girl of 20 years of age and is an innocent pillion rider on the scooty which was being driven by co-accused, Harmesh Singh. The recovery of money from the co-accused and heroin from the dickey of the scooty could not be fastened on the petitioner. Counsel has argued that no doubt the petitioner was involved in another case under the NDPS Act, but she had been released on bail, pending trial by this Court vide order dated 28.07.2020 passed in CRM-M-11105-2020. Counsel submits that the petitioner is in custody for the last almost three years. The challan has long since been filed but the trial is likely to take some

time therefore, the petitioner deserves to be released on bail.

On the other hand, state counsel upon instructions from SI Gurinder Singh has argued that the petitioner and the other co-accused belong to a family of smugglers who have a very deep rooted network and are indulging in large scale smuggling of drugs and arms from Pakistan. He has referred to the disclosure statement of the petitioner on the basis of which huge recovery of alleged drug money was made.

I have considered the rival submissions of the parties.

The petitioner is allegedly involved in the smuggling of drugs and arms from across the border. Huge quantity of contraband has been recovered from the vehicle on which she was travelling. Drug money of more than Rs.60 Lacs has been recovered on the basis of her disclosure statement. In her disclosure statement, she has mentioned the details as to how not only the petitioner but also her brothers and other family relatives including parents, are actively involved in smuggling. She has mentioned that her agricultural field and village is near the border and a network for smuggling had been established by her brothers.

The petitioner is involved in another case bearing FIR No.161 dated 29.09.2017 (Annexure P-4) registered at Police Station Sadar Patti, District Amritsar. In the said FIR she has been ordered to be released on bail by this Court vide order dated 28.07.2020 considering the fact that she was not named in the said FIR and was nominated as an accused on the basis of statement of co-accused i.e. her father, Lal Singh and no contraband had been recovered at her instance. Therefore, she cannot get any benefit of the said order.

The possibility of the petitioner being involved in the smuggling racket of drugs and arms cannot be ruled out. The allegations levelled against the petitioner are very serious. Huge recovery of contraband and drug money has been effected. Hence, no case is made out for grant of concession of regular bail to the petitioner. The petition is accordingly, dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression on the merits of the case.

04.08.2020

pooja saini

**(SUVIR SEHGAL)
JUDGE**

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No