

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

208

CRM-M-51758 of 2019

Date of decision :-18.09.2020

Sukhdev Singh @ Gurdev Singh @ Sunny

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Mr.Amardeep Singh, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab for the respondent-State.

**SUVIR SEHGAL, J.**

The hearing of this petition has been taken up through video conferencing due to coronavirus (Covid-19) pandemic.

Instant petition has been filed by Sukhdev Singh @ Gurdev Singh @ Sunny son of Charanjit Singh under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in FIR No.04 dated 20.04.2019 registered under Sections 21, 25, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of the Arms Act, 1959 at Police Station, Intelligence Wing (CID), State Special Operation Cell, Amritsar, District Amritsar

As per the version of the prosecution, the above FIR was registered on the basis of secret information. Acting thereon, Satnam Singh @ Satta son of Nirmal Singh was arrested on 20.04.2019 from near a bridge on Amritsar-Jhabul road and 870 grams of heroin, 01 pistol along with magazine and 05 live cartridges were recovered from his vehicle Bolero, when he was going to make delivery to some person. During the course of

investigation, names of Major Singh @ Jasbir Singh and Sukhdev Singh (present petitioner) came up. Both Major Singh and Sukhdev Singh were apprehended on 27.04.2019 from outside the bus stand area of Gurunanak Bhawan, Amritsar. Sukhdev Singh was driving the motorcycle and co-accused Major Singh was riding pillion with him, from whose possession another 300 grams of heroin was recovered.

Counsel for the petitioner has argued that no recovery was made from the petitioner and a false case has been registered against him. According to the counsel, the recovery from the co-accused could not be fastened upon the petitioner. Still further he submits that even the vehicles taken into possession by the police party do not belong to the petitioner. It is his argument that the statement of the co-accused given in custody of the police is inadmissible and on that basis the petitioner cannot be implicated. His contention is that the petitioner was picked up from his home. He has submitted that the petitioner is in custody since the date of his arrest and he deserves to be enlarged on bail.

Opposing the petition, learned State counsel upon instructions from ASI Vishal Rajput has submitted that the petitioner is a part of a large network of smugglers, who are involved in smuggling of intoxicants from across the international border and deliver the contraband to far off cities like Chandigarh and even Mumbai. He has taken the Court through the challan (Annexure P-4) submitted by the police on 17.10.2019 before the Trial Court. As per his instructions, charges (Annexure P-5) were framed on 29.10.2019 and the prosecution evidence is underway.

I have considered the rival submissions of the parties.

Without doubt, no recovery has been effected from the petitioner nor has he been found to be the owner of the two vehicles which

have been apprehended by the police, but the fact remains that during the course of investigation, the investigating agency came across incriminating material to suggest that the petitioner is hand in glove with co-accused Major Singh and Satnam Singh, who in turn have close ties with smugglers from Pakistan, upon whose directions the consignment of intoxicants and arms is delivered in different parts of the country. In particular, reference deserves to be made to the report of the investigating agency, relevant extract of which is reproduced hereunder: -

*“That during inquiry, it has come to notice that the above accused Major Singh @ Jasbir Singh @ Dodhi and Sukhdev Singh @ Gurdev Singh @ Sunny have sufficient close relations with Pakistani smugglers and they on the above Ghodar after receiving substances of heroin and arms and ammunitions from Indo-Pak Border were delivering to the parties. That on dated 20.04.2019 on the directions of the above accused, Major Singh and Sukhdev Singh had sent accused Satnam Singh on Bolero vehicle bearing No.PB-46-M-9900 near Thoru bridge to supply heavy quantity of substance of heroin and arms and ammunitions to some party. The remaining substance of heroin with the above accused, that substance on the direction of notorious smuggler Ghodar resident of Maniala, Pakistan to be delivered to some party at Amritsar area at Treasury Gate, Hakima, Guru Nanak Bhawan area. Where the police party by apprehending the above accused from the area of Guru Nanak Bhawan, Amritsar near car parking and recovered 300 grams of heroin along with motorcycle make ‘Bajaj Pulsar’ bearing No.PB-14-C-5558 from the above accused. In this regard,*

*farad disclosure statement of the accused Major Singh and Sukhdev Singh is enclosed with the challan.....”*

The argument of the counsel that the petitioner is not the owner of any of the two seized vehicles does not hold ground in view of the recent judgment of the Hon’ble Supreme Court in **Rizwan Khan vs. State of Chhatisgarh**, 2020 SCC Online 730. The contention that the petitioner was picked up from his home also does not inspire any confidence as the ‘Majornama’ (Annexure P-2) upon which counsel for petitioner has relied, is not dated and the petitioner was specifically named as one of the suspects in the FIR which had been lodged on the basis of secret information, one week prior to his arrest.

In the light of the facts that have emerged during the investigation and from part of the final report (Annexure P-4) and other attendant circumstances, there is a probability of the involvement of the petitioner in the offence. In these circumstances, it is not possible to extend the concession of bail pending trial to the petitioner.

The petition is accordingly dismissed.

It is clarified that anything said hereinabove shall not be construed to be an expression of opinion on the merits of the case.

18.09.2020  
*sheetal*

(SUVIR SEHGAL)  
JUDGE

Whether Speaking/reasoned : Yes/No  
Whether Reportable : Yes/No