

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

**CRM-M-18998-2021 (O&M)
Date of Decision: 10.11.2021**

Sukhwinder Singh @ Sukh

...Petitioner

VERSUS

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Ms. Sunint Kaur, AAG Punjab.

ALKA SARIN, J.

Heard through video conferencing.

CRM-36392-2021

This is an application for placing on record order dated 06.08.2021.

For the reasons stated in the application, order dated 06.08.2021 (Annexure P-4) is taken on record.

CRM stands disposed off.

CRM-M-18998-2021

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 (in short 'CrPC') for grant of regular bail to the petitioner in case FIR No.87 dated 06.06.2019 under Sections 21, 22, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 67

of the Information and Technology Act, 2000 registered at Police Station Gate Hakima, Amritsar, District Amritsar. The first petition being CRM-M-21227-2020 was dismissed as withdrawn on 17.11.2020.

As per the allegations, Inspector Sukhwinder Singh and other police officials were present at Maa Bhadra Kali Temple in connection with their official duties and received information through a secret informer that Gurmeet Singh @ Happy, Erick @ Kanni, Palwinder Singh @ Pindi, Sukhwinder Singh @ Sukh, Rajinder Singh @ Raju, Prince, Arun and Lakhwinder Singh @ Kaka are running a business of sale of intoxicants in heavy quantities in connivance with each other and presently Erick @ Kanni, Palwinder Singh @ Pindi, Prince and Sukhwinder Singh @ Sukh(petitioner) were confined in Amritsar Jail and they were operating their business from the jail by using mobiles and internet through their associates Gurmeet Singh@ Happy, Rajinder Singh @ Raju and Arun by supplying heroin and other intoxicating substances in and out of the jail. It was further averred that they were receiving payments of drug money from the family members of the jail inmates and other youngsters through Paytm accounts which were managed by Gurmeet Singh @ Happy and Rajinder Singh @ Raju and the drug money was paid by them to the family members of Erick @ Kanni, Palwinder Singh @ Pindi, Prince and Sukhwinder Singh @ Sukh as well as to the drug smugglers as per their instructions. Information was also given that Lakhwinder Singh @ Kaka along with Gurmeet Singh @ Happy and Rajinder Singh @ Raju were coming towards the area of Gate Hakima on an Activa Scooter with heavy quantity of intoxicant substances and could be arrested. The FIR was registered against 8 persons. Gurmeet Singh @ Happy, Rajinder Singh @ Raju and

Lakhwinder Singh @ Kaka were arrested on 06.06.2019 and 900 intoxicant tablets and one scooter were recovered from them.

Learned counsel for the petitioner has contended that though a mobile phone was recovered from the possession of the present petitioner who is serving a sentence for life imprisonment under Sections 302, 148, 149 of the Indian Penal Code, 1860, however, not a single penny was transferred/received by the petitioner in any manner nor he was using Paytm. It is further the contention of learned counsel for the petitioner that already a case under the Prisons Act, 1894 has been registered against the petitioner for recovery of the mobile phone. Learned counsel for the petitioner has further contended that the petitioner has been in custody since 15.07.2019. Learned counsel for the petitioner has also relied upon the order dated 06.08.2021 passed by the Co-ordinate Bench of this Court in **CRM-M-13786-2021** to contend that the co-accused in the present case has since been released on bail.

Status report by way of affidavit of Sh. Paramveer Singh, PPS, Assistant Commissioner of Police, Central Amritsar has been filed wherein, besides reiterating the facts, it has been stated that on 05.06.2019 at about 07.30 PM the jail authorities had conducted a search of the jail premises during which three Samsung mobile phones were recovered from the accused, namely, Prince, Sukhwinder Singh @ Sukhdev Singh @ Sukh Jhabal (petitioner) and Sukhchain Singh and FIR No.114 dated 06.06.2019 under Sections 42 and 52-A of the Prisons Act, 1894 at Police Station Islamabad, Amritsar City was registered against the petitioner and the other accused. It has further been stated in the status report that the petitioner, on investigation, was found to have been constant touch with the other

co-accused. It has further been stated in the status report that in the disclosure statement suffered by the co-accused, during the course of investigation, they had confessed that Happy Singh @ Happy used to bring drug money from Gurmeet Singh @ Happy and Rajinder Singh @ Raju Baba collected by them through means of Paytm from the family members of inmates of the Central Jail, Amritsar in lieu of drugs which were being supplied to them inside the jail premises by the petitioner herein and other co-accused who were lodged in Central Jail Amritsar in different cases and used to hand over the same to co-accused Prince who further used to hand over the money to co-accused Erick @ Kanni, Palwinder Singh @ Pindi and the present petitioner Sukhwinder Singh @ Sukhdev Singh @ Sukh Jhabal.

It has been stated in the status report that the petitioner has already been convicted under Sections 302, 148 and 149 IPC and sentenced to life imprisonment and there are two other cases against the petitioner under the Prisons Act. It has further been stated in the status report that the petitioner along with the co-accused used to supply drugs to the inmates of the jail and in lieu thereof they used to get the money transferred in the Paytm account of the co-accused through relatives of the inmates of the jail to whom they supplied the drugs.

Learned counsel for the State has also referred to the order dated 22.03.2021 passed by this Court in **CRM-M-6170-2021** titled as **“Happy Singh @ Happy Vs. State of Punjab”** whereby the bail petition filed by the co-accused, namely, Happy Singh @ Happy has been dismissed by a detailed speaking order.

Heard learned counsel for the parties.

The petitioner, in the present case, who has been sentenced to life imprisonment and was lodged in Central Jail Amritsar, appears to be part of a larger racket which is dealing in drugs within the jail precincts. The petitioner appears to be one of the main conduit for supply of the said drugs. During investigation it has been found that the petitioner was in direct contact with the co-accused constantly while serving his sentence in jail. The allegations against the petitioners are serious in nature. The argument raised by learned counsel for the petitioner that similarly situated co-accused has since been granted bail by the Co-ordinate Bench of this Court would be of no avail inasmuch as no mobile phone was recovered from the petitioner in the said case and, hence, the present petitioner cannot claim parity. A similarly situated co-accused, who is also stated to have been accompanied in this large drug racket being operated within the jail premises, was denied bail by this Court in CRM-M-6170-2021 decided on 22.03.2021.

In view of the above, I do not find this to be a fit case for grant of regular bail to the petitioner. Accordingly, the present petition is dismissed.

It is made clear that nothing observed herein shall be treated as an expression of opinion on the merits of the case.

10.11.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO