

CRM-M-22766-2021 (O&M)

THROUGH VIDEO CONFERENCE

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

**CRM-M-22766-2021 (O&M).
Decided on: June 10, 2021.**

Gurmeet Singh @ Meetu

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Rajesh Duhan, Advocate,
for the petitioner.**

Mr.Pawan Kumar Longia, DAG, Haryana

JASGURPREET SINGH PURI, J. (ORAL)

The present case has been heard through video conference.

This is a petition filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in case FIR No.264 dated 21.5.2021, under Section 15-C of the Narcotics Drugs and Psychotropic Substances Act, 1985 (Section 27-A and 29 of the NDPS Act added later on), registered at Police Station, City Kaithal, District Kaithal.

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As per the FIR, a vehicle coming from Kaithal side stopped near the police party and it was informed to the police that the petitioner namely Gurmeet Singh @ Meetu son of Raghubir Singh resident of village Agondh is having ICHER 1059 Canter of red colour, the cabin of which is covered by white colour sheet and number of said Canter is HR-38-R-7691 by removing the body has fixed covered body and front side of the body Gurmeet Singh @ Meetu (petitioner) has affixed iron sheet to cover the body separately to smuggle the intoxicating substance from Madhya Pradesh. Said Gurmeet Singh @ Meetu (petitioner) has appointed one Sohan Lal @ Moni Dadu son of Tarsem Lal, resident of Agondh, now resident of Ward No.3, Cheeka, near Gurudwara Cheeka. It was informed that after purchasing the intoxicating substance i.e. poppy husk/doda post from Madhya Pradesh, the aforesaid Sohan Lal @ Moni Dadu will return to his home in Cheeka or village Agondh from the same way via Kaithal and if barricading is done then this Sohan Lal @ Moni Dadu can be arrested along with intoxicating material i.e. poppy husk/doda post in the aforesaid vehicle No.HR38-R-7691 Icher 1059 Canter.

On the basis of the aforesaid secret information, proceedings under Section 42 of the NDPS Act were followed. The Sarpanch of the village was called at the spot and after that the Govt. vehicle was parked aside of the drain bridge and search was started after affixing by barricading for red colour Canter Icher 1059, the cabin of which was covered by white colour cloth sheet coming from Kaithal side. During barricading after two canters Icher, one Tata Canter and three pick up

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vehicles had passed, thereafter 15-17 minutes later a red colour Icher Canter the cabin of which was covered by white colour was signalled to stop with the help of accompanying employees and after making circle around the said Canter with the accompanying employees, the driver who wore yellow colour T-shirt and white colour lower was caught along with the Canter. The said Canter of red colour was checked and then on number plate number HR-38-R-7691 was found written from the front side and backside of the Canter and on upside of covered body of Canter a black colour sheet (tirpal) was found tied. The driver of the Canter was asked his name and address and then the driver of the vehicle disclosed his name to be Sohan Lal @ Moni Dadu son of Tarsem Lal, resident of Agondh, now resident of Ward No.3, Cheeka and thereafter, notice under Section 50 of the NDPS Act was given separately and due procedure was followed.

The learned counsel for the petitioner has submitted that in the present case although the petitioner was the owner of the vehicle but the petitioner had no knowledge about the transportation of the contraband which was seized from the vehicle. He has submitted that the aforesaid Sohan Lal @ Moni Dadu transported the contraband but since it was not in the knowledge of the petitioner and the petitioner was not present at the spot, he be considered for the grant of anticipatory bail.

He has further submitted that mere fact that the petitioner was the owner of the Canter would not fasten any liability upon the petitioner because the petitioner was not involved in the present case. He has further referred to para 9 of the petition by stating that the petitioner is

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the first offender and no other case under the NDPS Act, is pending against him except the present FIR.

On the other hand, the learned State counsel has vehemently opposed the grant of anticipatory bail to the petitioner. He, on instructions, has submitted that it is a case where the petitioner had deputed his driver Sohan Lal @ Moni Dadu along with contraband and the mere fact that the petitioner was not at the spot would not become a ground for the grant of anticipatory bail to the petitioner. He has submitted that on the basis of the information with regard to the colour and number of the vehicle, the barricading was done and recovery of 128.600 kgs. of doda post/poppy husk was made from the Canter on the spot. Learned State counsel has further submitted that the petitioner has not disclosed the fact that he is involved in three other cases as well, although he stood acquitted in one of those cases and remaining two cases are still pending and therefore, the petitioner has misled this Court by not disclosing that he was involved in other cases also. Learned State counsel has further submitted that the petitioner is a habitual offender and has committed the offence of illegal trafficking of narcotic substances and in fact, his debit card was used by the driver Sohan Lal @ Moni Dadu for making payment to the main supplier of the contraband and as such, the State has reasonable belief that the petitioner was involved in the offence in which huge contraband was recovered. He has further submitted that during the course of investigation certain documents were recovered from the cabin of the Canter i.e. the registration certificate issued by the RTA, Kaithal and Insurance Policy

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issued by SBI General Insurance Company in the name of the petitioner, National Permit issued by Transport Department, Faridabad, Debit Card, driving licence and Aadhar card of accused Sohan Lal @ Moni Dadu and during the course of further investigation, the accused Sohan Lal @ Moni Dadu had suffered a disclosure statement and he had categorically stated that he had purchased 1 quintal 30 kgs. of poppy husk from Raju @ Rafiq Mohammad resident of Madhya Pradesh and has talked to Raju @ Rafiq Mohammad by using the mobile number given to him by the petitioner and he had taken poppy husk from him and loaded the same in the Canter in the space which was made specifically for this purpose between the canter body. Even conversations were also held by two of them with the petitioner Gurmeet Singh @ Meetu on his mobile number and it was further disclosed by Sohan Lal @ Moni Dadu that he had withdrawn Rs.20,000/- on 18.5.2021 from the ATM at Vijay Nagar while on the way to Madhya Pradesh by using the debit card of the petitioner. Learned State counsel has submitted that custodial investigation of the petitioner is required particularly in view of the fact that huge quantity of poppy husk was seized and the petitioner is also involved in other cases as well and therefore, the source of contraband is required to be ascertained and this can be done only way of custodial investigation for the purpose of elucidating the truth.

I have heard the learned counsel for the parties.

In the present case, although the petitioner was not present on the spot when the contraband was recovered but from the facts and circumstances of the present case and as per the prosecution case, it has

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come on record that the petitioner was the owner of the vehicle and the police had already got the information that a specific Canter of red colour and of given number was about to come and the police had made a barricading and one Sohan Lal @ Moni Dadu was driving the vehicle and the contraband (poppy husk) of huge quantity of 128.600 kgs. was seized which is a commercial quantity. The police has collected a lot of material to show the connectivity of the petitioner who was owner of the Canter with the driver of the vehicle. This Court does not wish to go into the details with regard to the same as this Court is dealing only with the petition for anticipatory bail and does not wish to express any opinion on the merits of the alleged offence. However, for the purpose of considering the anticipatory bail, the Court has to strike a balance between the liberty of the individual and various other factors like magnitude of the offence, the possibility of influencing the witnesses and tampering with the evidence, public interest involved and various other factors. In the present case, this Court is satisfied on the basis of the facts and circumstances of the case and the arguments raised by the learned State counsel that the magnitude of the offence seems to be very high and public interest is also involved particularly in view of the fact that the contraband was allegedly seized from the vehicle which belonged to the petitioner and various documents were also available with the prosecution to show the connectivity of the driver of the vehicle with the petitioner. Further, the learned counsel for the petitioner in para 9 of the paper book has submitted that the petitioner was not involved in any other case except the present case whereas the learned

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State counsel has submitted that the petitioner is involved in three other cases although in one of the cases, he has been acquitted.

Therefore, considering the totality of the circumstances of the present case, I do not deem it fit and proper to interfere in the present case and consequently, the present petition for the grant of anticipatory bail to the petitioner is hereby dismissed.

However, it is made clear that aforesaid observations of this Court are only for the purpose of deciding the present petition and will not in any manner whatsoever reflect on the merits of the case.

June 10, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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