

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

**CRM-M-40402 of 2021
Date of decision: 11.11.2021**

Gurdhian Singh

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Amandeep Singh, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 392 dated 24.12.2020, under Sections 15(C), 18, 25, 27-A, 29 of the NDPS Act, 1985 and Sections 7, 7-A and 8 of the Prevention of Corruption Act, 1988 read with Sections 192, 196, 201, 202, 203, 217, 409 and 166-A IPC, registered at Police Station Uchana, District Jind.

The relevant facts are that on 23.12.2020, Haryana State Narcotic Control Bureau received a secret information that on 19.12.2020, CIA-I, Jind arrested Rakesh along with a truck bearing registration No. HR-45C-9998 carrying Doda Chura Post hidden in the bags of onion. The truck was parked in the police station without showing the contraband

in the police record. The owner of the truck in connivance with the police and CIA Staff were making efforts for misappropriating the loaded Doda Chura Post after taking the truck on superdari. Acting on the secret information, truck was checked, 20 plastic bags containing 398 kgs. and 150 grams of Doda Chura Post were recovered. During investigation, it revealed that Jagrup and Rakesh were already arrested in FIR No. 388 dated 18.12.2020, under Section 15 of the NDPS Act. On the basis of the disclosure statement, it came to light that earlier Investigating Officer and other police officials connected with the investigation of case of FIR No. 388 connived with each other and did not show the contraband lying in the truck. The investigation was handed over to Haryana State Narcotic Control Bureau Unit, Ambala. During the course of further investigation, Amandeep disclosed that he was apprehended by CIA, Jind along with juvenile in conflict, namely, Abhishek Kumar @ Sheki @ Chhotu and another co-accused, namely, Mubarik Khan. The co-accused were made to join investigation, further disclosure statements were made. There is a CCTV footage with the investigating agency with regard to detention of the truck.

As per the case set up, there are allegations that relatives of Amandeep were in constant touch with earlier Investigating Officer for release of the accused. A deal was settled for Rs.12,00,000/-, out of which Rs.6,00,000/- were paid for release of Amandeep, Abhishek and for not showing the recovery of 398 kgs. and 150 grams of Doda Chura Post. The matter is still under investigation. There were twenty two accused out of which ten have been arrested and challan prepared.

During course of investigation, on 9.8.2021 Sanjay ex-Sarpanch was arrested. Petitioner-Gurdhian Singh was named by Jagrup in a disclosure statement. He stated that he met Amarjit who gave his mobile number 8437420987 and asked him to supply Doda Chura Post in Punjab. The ownership of mobile number was found of Jatinderpal. On making him to join investigation, he stated that 2-1/2 years ago, he was having the sim of the mobile mentioned. He was working as Waiter in Chandi Tourist Complex, Nidampur owned by the petitioner. He stated that his phone was taken by the petitioner. As per statement, his phone was either with the petitioner or Nirmal Ali. He denied knowing any person by the name of Amarjit. On 9.8.2021, Nirmal Ali joined the investigation, his statement revealed that phone number was being used by the petitioner by changing his identity as Amarjit. Call detail reports were called for and it was found that the petitioner was in regularly touch with accused-Jagrup from 11.12.2020 to 18.12.2020. The petitioner is involved in three more FIRs.

Learned counsel for the petitioner submits that there is no direct evidence against the petitioner. The statement of Jagrup is not reliable as he states that either his phone was with the petitioner or Nirmal Ali. The statement of Nirmal Ali cannot be relied upon as he is a habitual offender.

Learned counsel for the State opposes the prayer for grant of pre-arrest bail. She submits that the net laid for procurement and supply of the recovered narcotics is far stretched. The connivance of police officials has surfaced. A deeper probe is necessary to unearth the *modus operandi* adopted. She further submits that one FIR involving the petitioner

is under NDPS Act is pending investigation.

After hearing learned counsel for the parties at some length and perusing the paper book, it is forth coming that the petitioner was running a Dhaba. He had allegedly taken the mobile phone of his employee and was using it by changing his identity as Amarjit.

The contention of learned counsel for the petitioner that statement of Nirmal Ali should not be relied upon as he is a habitual offender does not enhance the case for grant of anticipatory bail. The veracity and reliability of the statement would be subject matter of investigation and trial. A piece of evidence cannot be ignored merely on the ground that the accused making a statement has some criminal antecedents.

It would be appropriate to note that Nirmal Ali specifically stated that the mobile number mentioned by Jagrup was being used by the petitioner telling his name as Amarjit.

Considering the facts in totality, it is a case where deeper probe is required for unearthing the deep roots of the supply chain of narcotics. Clothing the petitioner with protection of pre-arrest bail will only scuttle the investigation.

No case is made out for grant of anticipatory bail.

The petition is dismissed.

However, nothing stated above shall be taken as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

11th November, 2021
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1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No