

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRA-D-880 of 2019
Date of Decision:13.01.2021

SANDEEP KAUR

..... APPELLANT(S)

VERSUS

NATIONAL INVESTIGATION AGENCY

..... RESPONDENT(S)

...

CORAM: **HON'BLE MR. JUSTICE JASWANT SINGH**
 HON'BLE MR. JUSTICE SANT PARKASH

...

PRESENT: - Mr. Veneet Sharma, Advocate, for the appellant.

Mr. Sukhdeep Singh Sandhu, Special Prosecutor for
National Investigating Agency.

. . .

Sant Parkash, J

The present appeal has been filed by the appellant against order dated 13.09.2019 passed by the Special Judge, NIA, Punjab at SAS Nagar Mohali, whereby, her application for bail under Section 439 Cr.P.C., in case number RC-18/2019/NIA/DLI under Sections 17, 18, 18-B, 20 of Unlawful Activities (Prevention) Act, 1967 (for short, "1967 Act") and Sections 8, 16, 17, 18, 23, 24, 29, 32 and 32(b) (e) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "NDPS Act"), has been rejected.

In brief, on 29.06.2019, 15 bags containing 584.82 kgs off white/creamish/white granular/powder substance (532 kgs heroin and other intoxicating substance) were recovered and seized under the provisions of Customs Act, 1962 (for short, "1962 Act") and NDPS Act by the Customs Authorities, during examination of consignment of Light Pink Rock Salt Granuals of Gurbinder Singh, Proprietor of M/s Kaushik Enterprises, Amritsar. Gurbinder Singh, in his statement dated 30.06.2019, stated that the said consignment was to be delivered to Tariq Ahmed Lone S/o Abdul Majeed Lone. The truck bearing No.PB-46-M-8096 was to be used for transportation of the aforesaid consignment. Both Gurbinder Singh and Tariq Ahmed Lone were arrested on 01.07.2019. Jasbir Singh owner of the aforesaid truck along with its driver were arrested on 06.07.2019. Jasbir Singh, in his statement dated 04.07.2019, stated that the Rock Salt imported by Gurbinder Singh was transported by him in the said truck on the directions of one Rana and was unloaded in the godown at Ram Tirath Road, Amritsar. Said Rana was identified by Ranjeet Singh @ Rana S/o of Harbhajan Singh, R/o Village of Havellian, presently resident of House No.2, Gali No.01, Akal Sar Solony, Ram Tirath Road, Amritsar. On search of house of Ranjeet Singh, registered document of House No.393, Golden Avenue, Dhol Kalan, Amritsar in the name of Sandeep Kaur (appellant herein) was recovered. She was summoned by the Customs Authority. She appeared on 16.07.2019 and her statement under Section 67 of the NDPS Act read with Section 108 of 1962 Act, was recorded, wherein, she admitted her association with Ranjeet Singh @ Rana and his family members. She further admitted that Ranjeet Singh @ Rana had purchased her house No.393, Golden Enclave, Dhol Kalan, Amritsar, in her name with her

connivance and ₹16,00,000/- for such purchase had come from sale of heroin by Ranjeet Singh @ Rana.

The case was transferred to NIA by the Central Government vide order dated 23.07.2019. FIR was registered and the offences under the 1967 Act were added.

The appellant preferred an application for regular bail in the aforesaid FIR, which was dismissed by the Special Judge, NIA, Punjab, holding that the present case is a case of narco-terrorism having nation and international implications which requires in-depth investigation with regard to the funding of different terror groups through the proceeds of narco-consignment being smuggled from across the international border.

Learned counsel for the appellant has argued that the present appellant has been implicated only on the basis of registered sale deed of a property, the documents of which were recovered from the house of Ranjeet Singh @ Rana. The said property was purchased by her husband in her name and due to her husband's medical problem, she took a loan of ₹1,00,000/- by pledging the alleged original registration deed to her relative Judge Singh son of Hansa Singh resident of Village Havelian, Tehsil and District Amritsar by executing a document in presence of marginal witnesses on dated 25.09.2018. She is in custody since 16.07.2019. There is no evidence on record indicating any incriminating evidence against the appellant. There is no antecedent criminal history of the appellant. The appellant has been falsely implicated in the present case as her name did not figure in the First Charge sheet and it was only a part of deeper conspiracy on the part of NIA that the appellant was framed in the entire picture and presented as an alleged conspirator, acquiring property as proceed of crime. There is nothing

on record to connect the appellant with alleged crime in any manner whatsoever. He further submits that the learned NIA Court blindly believed the concocted story as portrayed by the NIA in the chargesheet and proceed to dismiss the bail application on wholly erroneous grounds.

On the other hand, learned counsel for the respondent strongly opposes the submissions made by learned counsel for the appellant. He submitted that on 29.06.2019 Custom Commissioner ate, Amritsar intercepted two persons namely Gurbinder Singh, an Amritsar based trader and Tariq Ahmed Lone from Handwara, J & K, which resulted in seizure of 532 Kg of Heroin and 52 KG of mixed narcotics substance, which was being illegally smuggled into India from Pakistan. During the course of investigation, the customs department arrested Ajay Gupta who was earlier importer for the consignment of Rock Salt for the same buyer Tariq Ahmed Lone. All these consignments were transported by truck(s) belonging to Jasbir Singh. Said Jasbir Singh and driver Nirbhail Singh were also arrested.

Learned counsel has further submitted that the appellant being facilitator was arrested on 16.07.2019 for abetment, conspiracy, and aiding in utilizing and acquiring property from the proceeds of the crime. During investigation, the involvement of international drug racket based in Pakistan as well as in Afghanistan has come to light. This being a case of narco-terrorism, having national and international implications requires in-depth investigation as to the funding of different terror groups through the proceeds of narcotics consignment being smuggled from across the international border. The investigation has revealed that the consignment of narcotics concealed in rock salt is one among a series of six such consignments. This conspiracy is not merely of one consignment which was

intercepted by the customs department but of the series of all consignments which are part of the same criminal transaction. The narcotics smuggler based in Pakistan not only send the contraband but also the money for import duties as well as the purchase price of goods, purportedly rock salt from the Indian side. The trucks used to transport the consignments each time belonged to Jasbir Singh. Both oral and documentary evidence are available that Jasbir Singh and Nirbhail Singh were present at Kochar Rice Mills godown arranged by Ranjeet Singh @ Rana and the godown at Attari arranged by Gurbinder Singh when the consignments were being loaded.

Further elaborating his arguments, he contended that during search of house of Ranjeet Singh @ Rana, original documents of registry of a house in the name of the appellant were found. Investigation has revealed that she has been living in a house bought from the proceeds of crime by Ranjeet Singh @ Rana. Sandeep Kaur-appellant has taken money from Ranjeet Singh @ Rana and registered the house in her name by giving false information that this money was from the pension of her father-in-law. Investigation has revealed that the appellant was earlier also arrested in the NDPS case and during that time, she impersonated as Jaswinder Kaur wife of Varinder Singh. FIR No.88 dated 18.07.2018 was registered against Jaswinder Kaur (Sandeep Kaur) in the Jhabal Police Station of District Tarn Taran, under Sections 21 and 29 of NDPS Act in connection with possession of heroin. As per statement of appellant recorded on 12.07.2019, she stated that her father-in-law namely, Surinder Singh was lodged in Jail twice for possessing narcotics. Her brother-in-law namely, Davinder Singh has also remained in jail for possessing 20 gms of heroin. Even, her husband Ravinder Singh was arrested in October 2018 for possessing 260 gms of

intoxicating powder. She further confessed that the above named persons of her family were addicted to “Chitta”. Her brother-in-law and father-in-law used to sell “Chitta/heroin” for Ranjeet Singh @ Rana. Charge-sheet has already been filed on 27.12.2019 and the NIA Court has rightly rejected her bail application.

According to learned counsel for the respondent, before considering the bail under the provisions of NDPS Act, the Court has to satisfy that there are reasonable grounds for believing that the appellant was not guilty of offence and there was no likelihood to commit any such offence while on bail.

We have heard learned counsel for the parties and perused the record.

If the entire set of allegations of prosecution is glanced through, it would be revealed that the appellant was arrayed as an accused merely on the basis of registered sale deed allegedly recovered from the house of Ranjeet Singh @ Rana, which was allegedly purchased in her name by said Ranjeet Singh @ Rana out of the proceeds of the sale of heroin. The counter version of the appellant is that this house was purchased by her family and in order to take some loan, it was pledged with Judge Singh son of Hansa Singh. With regard to confessional/disclosure statement suffered by the appellant before the investigating agency that it was purchased in her name by Ranjeet Singh @ Rana, it would be suffice to say that the legality and sanctity of confessional/disclosure statement would be adjudged at the time of conclusion of trial.

Learned State counsel has opposed the bail application also on the ground that the family members of the appellant are involved in other

cases under the NDPS Act. In our considered view, the registration and pendency of the cases against the other family members of the present appellant is hardly of any relevance for considering the bail application of the appellant in the present case, wherein, admittedly, no recovery was effected from her. With regard to the registration of the case on account of impersonation by her, she is facing trial in that case and the facts and circumstances of that case are not even remotely connected with the present FIR.

Taking into consideration the totality of the circumstances and further considering that the appellant is in custody since 16.07.2019; the challan has been filed and further considering that no recovery was effected from her, we feel that it is a fit case where the appellant should be enlarged on bail. Accordingly, impugned order dated 13.09.2019 is hereby set aside. Appeal is allowed and the appellant is ordered to be released on bail pending trial on furnishing sound bail bonds/surety bonds to the satisfaction of the trial court/concerned Duty Magistrate.

(Jaswant Singh)
Judge

(Sant Parkash)
Judge

January 13, 2021

Avin/sonika

Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No