

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

1.

CRM-M-3962-2021

Date of decision: March 11, 2022

Taranjot Singh @ Tanna

....Petitioner

Versus

State of Punjab

....Respondent

2.

CRM-M-23910-2021

Jagjit Singh @ Laddi

....Petitioner

Versus

State of Punjab

....Respondent

3.

CRM-M-39157-2020

Ramandeep Singh

....Petitioner

Versus

State of Punjab

....Respondent

4.

CRM-M-10637-2021

Sumit Kumar @ Nony

....Petitioner

Versus

State of Punjab

....Respondent

5.

CRM-M-20790-2021

Sukhwant Singh @ Sukhpal Singh @ Sukha @ Nikka

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Kanwaljit Singh, Senior Advocate with
Mr. Vivek K. Thakur, Advocate
for the petitioner (in CRM-M-23910-2021)

Mr. A.P.S. Rehan, Advocate
for the petitioner (in CRM-M-3962-2021)

Mr. Ankur Bansal, Advocate
for the petitioner (in CRM-M-39157-2020)

Mr. O.S. Batalvi, Advocate
for the petitioner (in CRM-M-10637-2021)

Mr. K.S. Brar, Advocate
for the petitioner (in CRM-M-20790-2021)

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J.

This judgment shall dispose of above said five petitions filed for grant of regular bail to the petitioner(s) in case FIR No.8 dated 13.1.2020 under Sections 302, 506, 341, 120-B IPC (Sections 212, 216 and 201 IPC and Section 21 and 29 NDPS Act added later on) and Section 25 of the Arms Act, registered at Police Station Kartarpur, District Jalandhar.

The learned Senior counsel for petitioner Jagjit Singh @ Laddi has argued that as per the allegations in the FIR registered on the statement of Jatinder Singh, it is stated that he was doing the business of sand and crusher. On 13.1.2020, his brother Jagjit Singh was also doing the business with him accompanied with Santokh Singh, Hamira and Rajan Singh were going in a Swift car bearing registration No. PB-09AB-8106 for some personal work to village Dhuripur when he reached near the village school, Simarjit Singh @ Simran armed with a pistol, Aman armed with a pistol,

Sukhpal Singh @ Sukha @ Nikka armed with a baseball were standing were on road side and stopped their car. When all the car occupants came out, Sukhpal Singh @ Sukha @ Nikka made an identification of all of them and pointed towards his brother Jagjit Singh @ Jagga by saying that Lakhwinder Singh @ Lakha has given a contract to kill him and he should be killed. Sukhpal Singh @ Sukha @ Nikka raises a *lalkara* that he should be murdered with the bullet shots and not spared. Aman fired from his pistol at Jagjit Singh but he missed the fire. In the meantime, Simarjit Singh @ Simran fired a bullet shot from his pistol which hit Jagjit Singh on chest near his heart and he fell down on the ground. The complainant and others were scared. In the meantime, all the accused fled away from the spot by hurling abuses. He along with Santokh Singh and Rajan when took his brother Jagjit Singh @ Jaggi where he was declared brought dead. The counsel for the petitioner Jagjit Singh @ Laddi has argued that the petitioner was neither named in the FIR nor any allegation is levelled against him and he has been implicated at the disclosure statement of co-accused Satinder Singh @ Kala that he was in need of a car and the petitioner has provided him his Fortuner car for obtaining and delivery of narcotics and money. The counsel for the petitioner submits that in the disclosure there is no allegation regarding delivering or receiving of any narcotic substance by the petitioner As in the disclosure of co-accused Satinder Singh, it is stated that he wants his car for delivering the money.

Counsel for the petitioner has further submitted that there is no allegation against all the accused and the offence under Section 302 IPC and

the Fortuner car was in the name of Amandeep Kaur and the petitioner is not having any relation with her. It is further stated that the petitioner is involved in two more FIRs, however, he is on bail and is in custody since 18.7.2020. Counsel for the petitioner also submitted that since the charges have not been framed so far, the petitioner be granted the concession of regular bail as he is in long custody.

It is further submitted that Simaranjit Singh @ Simma has already been granted the concession of regular bail vide order dated 22.3.2021 in CRM-M-391 of 2020. Counsel for petitioner-Taranjot Singh @ Tanna has argued that the allegations against the petitioners are that during investigation of the case when co-accused Sumit Kumar @ Nony was arrested he suffered a disclosure statement naming petitioner-Taranjot Singh @ Tanna along with the allegation that he got two consignments of heroin from Pakistan at the instance of Taranjot Singh @ Tanna and delivery was made to him and he got Rs.32,30,000/- as drug money. After the arrest of the petitioner he suffered a confessional statement that he is smuggling the heroine from Pakistan in conspiracy with Sumit Kumar @ Nony, who is working in BSF and on 30.6.2020 a consignment of 17 kgs. of heroine was received by Sumit Kumar @ Nony, who delivered the same to Happy, Sukhdeep Singh, Jaspreet Singh and 2/3 unknown persons.

Counsel for the petitioner submits that the petitioner is in long custody and he should be granted the concession of regular bail.

Counsel for petitioner-Sumit Kumar @ Nony has argued that the petitioner was falsely implicated on the statement of the aforesaid Taranjot Singh @ Tanna while in custody and the same is inadmissible. It is stated that no specif role of the petitioner is there and the allegations are that consignment of heroin was sent by Satinder Kumar @ Kala from Pakistan to petitioner-Sumit Kumar @ Nony, which was delivered to Taranjot Singh @ Tanna. Counsel for the petitioner submits that the petitioner is not related to the offence of Section 302 IPC and, further states that it is the disclosure of Taranjot Singh @ Tanna that he admit of receiving the consignment from Pakistan.

Counsel for petitioner-Sukhwant Singh has argued that from the shot fired by Simarnjit Singh, Jagjit Singh had died and the fight has taken place all of a sudden. Counsel for the petitioner further submits that Lakhwinder Singh @ Lakha, at whose instance, the alleged supari was given to kill Jagjit Singh has been found innocent by the police. Counsel for the petitioner further submits that though the petitioner was present at the spot with a baseball but nothing over act is attributed to him.

Counsel for petitioner-Raman Deep Singh has argued that it has come in the disclosure of Satinder Singh @ Kala that he was one Army persons, i.e. petitioner-Ramandeep Singh known to him and on asking of Satinder Singh, he has talked to the petitioner about smuggling of heroine from Pakistan and sought his help if any acquaintance or friend in BSF can help at the boarder. Petitioner-Ramandeep Singh gave the mobile phone of Sumit Kumar @ Nony and had talked to him on Whatsapp and told Sumit

Kumar @ Nony to help the other accused in doing smuggling from Pakistan and offered him Rs.One lac per packet, out of which 50% will be given to petitioner Ramdndeeep Singh, thereafter, Satinder Singh @ Kala and Sumit Kumar @ Nony started interacting with each other directly. Counsel for the petitioner submits that there is no direct role of the petitioner of committing the offence under Section 302 IPC.

Reply by way of affidavit of SHO, Police Station Kartarpur, District Jalandhar is on record.

As per the affidavit, on verification of the facts from the FIR with regard to the further police investigation, it is stated that during investigation Lakhwinder Singh @ Lakha was found innocent as he was not involved in the case. On 11.7.2020, Aman @ Amanpreet was arrested and he made a confessional statement regarding murder of Jagjit Singh and further disclosed that after committing the offence they all went to the house of Sukhwant Singh @ Nikka in village Khera, where Manpreet Singh met them and arranged for shelter. He further disclosed that the pistol used in crime was arranged by Sumit Kumar @ Nony, who is a BSF employee in Sambha sector in Jammu and Kashmir. Both of them were known to each other and in touch with one Pakistani national Shah Mussa, who has sent 15 kgs. heroine along with weapon to India through Sumit Kumar @ Nony and, thereafter, Sections 212 and 216 IPC were added. On 12.7.2020, Simranjit Singh @ Simran was arrested, who also confessed that the pistol used in the commission of offence was provided by Sumit Kumar @ Nony and one Skoda car was recovered from him along with a Samsung mobile phone. On

13.7.2020, Sumit Kumar @ Nony was arrested and he confessed that he and Ramandeep Singh @ Fauji were childhood friends and he received a call from Ramandeep Singh by giving mobile number of Taranjot Singh @ Tanna and Taranjot Singh @ Tanna and one Vicky were on Whatsapp chat and finalised the deal of bringing heroine in bulk quantity at a rate of Rs.One lac per packet and admitted smuggling of narcotic consignment and commission of drug money received by him. Thereafter, Section 29 of the NDPS Act and Section 201 IPC were added and one pistol of .9 mm along with cartridges and mobile phone and drug money of Rs.32,30,000/- were recovered from Sumit Kumar @ Nony and Section 21 NDPS Act was also added. On 14.7.2020, Taranjot Singh @ Tanna was arrested after taking the production warrants from Modern Jail, Kapurthala. He confessed that he is in jail for the last 1½ years and was in contact with Satinder @ Kala, who asked if he has any friend in BSF who can help in smuggling heroine to India from Pakistan. Thereafter, Taranjot Singh @ Tanna introduced Satinder Singh @ Kala with Ramandeep Singh and they finalised a deal to bring heroine at the rate of Rs.One lac per packet. Taranjot Singh @ Tanna also recovered Rs.Seven lacs drug money. It is stated that Taranjot Singh @ Tanna is involved in as many as 11 FIRs, including the NDPS Act and serious offences under Sections 302 and 392 IPC. On 19.7.2020, Ramandeep Singh was arrested from Uttar Pradesh. He stated that he has hidden his mobile phone at Uttar Pradesh from which he was calling to a person Bajwa, a Pakistani national for supply of heroine. A damaged phone was recovered

and sent to FSL. It is stated that the challan stands presented on 16.10.2020 and the case is now fixed for prosecution evidence.

A perusal of the Custody Certificate of all the petitioners show that petitioner Taranjot Singh @ Tanna is involved in 11 FIRs of serious offences; petitioner Sumit Kumar @ Nony is not involved in any other case; petitioner Ramandeep Singh is involved in one more case under Section 302 IPC; petitioner-Sukhwant Singh is involved in three more cases under IPC; petitioner-Jagjit Singh @ Laddi is also involved in three FIRs under IPC and one conviction under the NDPS Act.

After hearing the learned counsel for the parties and looking at the serious allegations and the recovery effected from petitioners Sukhwant Singh @ Sukhpal Singh @ Sukha @ Nikka, Ramandeep Singh, who are named in the FIR and were found indulged in smuggling of huge quantity of heroine during the investigation, no ground for grant of regular bail is made out.

So far accused Taranjot @ Tanna he is a gangster having more than 10 cases registered against him under Sections 302 or 392 or 364 and 382 IPC and also in view of the affidavit of the DSP, Sub Division Kartarpur, explaining serious allegations against him, no ground for grant of regular bail is made out.

The allegations against accused Sumit Kumar @ Nony are also serious as he has contact with a Pakistani drug smuggler and has received 50 kgs. of heroine along with weapons from him and also in view

of the fact that a pistol along with 32,30,000/- drug money was recovered from him, no ground for grant of regular bail is made qua petitioner-Sumit Kumar @ Nony.

So far Jagjit Singh @ Laddi is concerned, he is also involved in cases under the IPC and allegations are that his name surfaced in the disclosure of co-accused Satinder Singh @ Kala, who has stated that he demanded a car from petitioner for delivering money and drugs. Thus, petitioner-Jagjit Singh @ Laddi does not deserve the concession of bail.

All the petitions stand dismissed, accordingly.

March 11, 2022
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No