

**CRM-M-11641-2022;  
CRM-M-18517-2022 and  
CRM-M-6887-2022 (O&M)**

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

**CRM-M-11641-2022  
Date of Decision: 15.07.2022**

**(I)**  
Sona Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

**CRM-M-18517-2022**

**(II)**  
Karaj Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

**CRM-M-6887-2022 (O&M)**

**(III)**  
Amarjeet Singh @ Ambi @ Jaspal @ Pali

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Avtar Singh Bhatti, Advocate,  
for the petitioner in CRM-M-11641-2022.

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Mr. A.S. Brar, Advocate,  
for the petitioner in CRM-M-18517-2022.

Mr. Vidit Bansal, Advocate,  
for the petitioner in CRM-M-6887-2022.

Mr. Randhir Singh Thind, DAG, Punjab.

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**JASGURPREET SINGH PURI, J. (Oral)**

All the three petitions are taken up together since the same arise from one FIR.

All the three petitions have been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in FIR No. 124 dated 12.09.2021, under Sections 21, 21(22), 29, 61, 85 of NDPS Act, registered at Police Station Sadar, Moga.

Mr. Avtar Singh Bhatti, Advocate, has appeared in CRM-M-11641-2022, Mr. A.S. Brar, Advocate has appeared in CRM-M-18517-2022 and Mr. Vidit Bansal, Advocate, has appeared in CRM-M-6887-2022. The matter was argued at length by all the three learned counsels.

As per the FIR which was lodged on the basis of a secret information that Indian smugglers were smuggling heroin in connivance with the Pakistani smugglers and even that day also the Indian smugglers in connivance with Pakistani smugglers had kept concealed heroin at pillar No.32/BOP, Bhaini Jalalabad, Fazilka. Indian smugglers wanted to send the same on other side and if raid is conducted with the help of BSF near the pillar, then huge quantity of heroin could be recovered. On the basis of the information the present FIR was registered under Section 21 of the NDPS Act.

All the three learned counsels for the petitioners have advanced their arguments with respect to the alleged roles of the petitioners. The facts alongwith the roles of different petitioners are taken up independently as follows:-

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Sona Singh Versus State of Punjab**

Mr. Avtar Singh Bhatti, learned counsel appearing on behalf of petitioner Sona Singh has submitted that the petitioner Sona Singh has been falsely implicated in the present case and he is in custody from 09.12.2021. He further submitted that allegedly heroin of 2 Kg. was discovered and confiscated from the border of India-Pakistan and then on the basis of secret information the name of the petitioner was nominated and as per the prosecution, when the petitioner was arrested there was a recovery of 20 grams of heroin from him. He further submitted that there is no sufficient material available with the prosecution to connect the petitioner with the recovery of 2 Kg. of heroin from the border and so far as the alleged recovery from the petitioner is concerned, the same was only pertaining to 20 grams of heroin which is a non-commercial quantity under the NDPS Act and investigation of the case is already complete and thereafter, the challan has been presented before the competent Court and, therefore, he may be considered for the grant of regular bail.

**CRM-M-18517-2022  
Karaj Singh Versus State of Punjab**

Mr. A.S. Brar, learned counsel appearing on behalf of

petitioner Karaj Singh has submitted that the petitioner is in custody from 09.12.2021 and the role attributed to the petitioner was that after the recovery of 2 Kg. of heroin from the India-Pakistan border, the petitioner was arrested on suspicion and thereafter, no recovery has been effected from the petitioner. He further submitted that the petitioner is not involved in any other case and has clean antecedents. He further submitted that on mere suspicion his name has been nominated and he is in custody from 09.12.2021 and, therefore, he may be considered for the grant of regular bail.

**CRM-M-6887-2022**

**Amarjeet Singh @ Ambi @ Jaspal @ Pali Versus State of Punjab**

Mr. Vidit Bansal, learned counsel appearing on behalf of petitioner Amarjeet Singh argued that so far as the petitioner Amarjeet Singh is concerned, his name has been nominated on the basis of disclosure statement made by the other co-accused namely Sona Singh who is petitioner in the connected case and from him also there was no recovery but he has been linked with the aforesaid co-accused Sona Singh who was arrested when there was a recovery of 2 Kg. of heroin from India-Pakistan border. He further submitted that he is in custody from 12.12.2021 and, therefore, he may be considered for the grant of regular bail. He further submitted that the disclosure statement of a co-accused is not admissible in evidence and, therefore, he may be considered for the grant of regular bail.

**Contention of the learned State counsel**

Mr. Randhir Singh Thind, learned Deputy Advocate General,

Punjab has submitted on instructions from ASI Sukhmander Singh who is present in the Court that it is a case of international racket of drug smuggling of heroin. He further submitted that the police received a secret information that there is likelihood of recovery of huge quantity of heroin from India-Pakistan border and on the same day, they recovered 2 Kg. of heroin. Thereafter, during investigation two persons were arrested namely, Sona Singh and Karaj Singh who are both petitioners in the present set of cases. He further submitted that while investigation of the case was going on there was a recovery of one mobile phone from the car of aforesaid Karaj Singh and in the mobile phone a Pakistani international number was saved in the name of PAK. There was other reliable information with regard to connecting the present petitioner with the present offence and the said mobile phone has now been sent to the Forensic Laboratory but no report has been received as yet. However, the challan has already been presented before the competent Court. He further submitted that although the petitioner Karaj Singh is not involved in any other case and there was no recovery effected from him but he was directly connected with the recovery of 2 Kg. of heroin from India-Pakistan border and there is sufficient material available with the police to connect him to the same. He further submitted that so far as the petitioner Sona Singh is concerned, he was also arrested alongwith petitioner Karaj Singh on the same day and after his arrest there has been a recovery of 20 grams of heroin from him and the petitioner Sona Singh is also involved in another FIR under the NDPS Act and, therefore, he does not have clean antecedents. He further submitted that so far as petitioner Amarjeet Singh is concerned, although he was nominated

on the basis of disclosure statement of co-accused namely Sona Singh and no recovery was effected from petitioner Amarjeet Singh but he is also involved in another FIR under the NDPS Act and all of them are collectively involved in the present international drug smuggling at India-Pakistan border. He further submitted that since they are linked with the recovery of heroin of 2 Kg. from India-Pakistan border which falls in the category of commercial quantity and, therefore, the prayer of the petitioners is hit by the bar contained under Section 37 of the NDPS Act. He further submitted that Section 29 of the NDPS Act was also added in the present FIR and has vehemently opposed the grant of regular bail to all the three petitioners.

I have heard the learned counsel for the parties.

The custody of all the three petitioners is about 7 months and investigation of the case has been completed but the charges have not been framed as yet. As per the prosecution on the basis of a secret information, there was a recovery of 2 Kg. of heroin from India-Pakistan border and as per the learned State counsel, all the three present petitioners were involved in the aforesaid smuggling of heroin across the border. This Court after considering the details as stated by the learned State counsel on instructions is of the view that the magnitude and seriousness of the offence is on higher pedestal since the allegations are pertaining to smuggling of heroin at the border. The argument raised by the learned counsel for the petitioner Karaj Singh that no recovery has been effected from him would not be sustainable in view of the fact that from his car allegedly a mobile phone

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saved as per the prosecution. Similarly, so far as the other two petitioners namely, Sona Singh and Amarjeet Singh are concerned, from Sona Singh there was alleged recovery of 20 grams of heroin and both of them are also involved in another case of NDPS Act. This Court after considering the totality of the circumstances of the present case is of the view that the petitioners do not deserve the concession of regular bail.

Consequently, finding no merit in the present petitions, the same are hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petitions only.

**15.07.2022**  
rakesh

**(JASGURPREET SINGH PURI)**  
**JUDGE**

|                    |   |        |
|--------------------|---|--------|
| Whether speaking   | : | Yes/No |
| Whether reportable | : | Yes/No |