

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

Criminal Misc. No.M-22264 of 2022(O&M)

Date of Decision: July 15, 2022

Jagga Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Vivek Salathia, Advocate
for the petitioner.

Mr.R.S.Khaira, AAG, Punjab.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 438 Cr.P.C for grant of pre-arrest bail in case FIR No.15 dated 20.12.2019 under Sections 21, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station State Special Operation Cell, District Amritsar.

The case of the prosecution is that on 20.12.2019 a secret information was received that Bhupinder Singh @ Bhinda s/o Mukhtiar Singh, Balkar Singh s/o Bawa Singh, Dalbir Singh s/o Ladha Singh, Surjit Singh @ Babbu s/o Joginder Singh, Bittu Singh @ Sukha Singh and Jagga Singh in connivance with some other unknown persons had formed an international smuggling network. They were in contact with notorious smugglers from Pakistan namely Bittu, Hazi Abad Ali @ Badi r/o Sialkot Pakistan and Nazid Ula @ Commando r/o Pakistan. After receiving the

consignment of 'heroin' in illegal manner from the area near the Indo-Pak barbed wire fencing, Ramdas, District Amritsar they carry it in their car Swift No.PB-30R-9177 and Motorcycle make Hero Passion No.PB-14B-8520 and Bajaj Platina No.PB-02BX-6954 for suppling in Punjab and other cities of India. The secret information also disclosed that on 20.12.2019 they had received a huge consignment of 'heroin' and were coming to deliver the same in the aforesaid vehicles to some party in the area of village Ghonewal, PS Ramdas, District Amritsar Rural.

Based on that information FIR was registered. A raiding party was organised. When the police party reached the area of village Ghonewal, PS Ramdas, it found one person standing in suspicious circumstances besides the aforesaid Swift car. Two motorcycles were also seen. Two persons were seen sitting on each of the motorcycles in suspicious condition. On seeing the police party the person standing near the car ran away towards the village. The persons sitting in the car and on the motorcycles were apprehended. The person sitting on the driver seat of the car disclosed his name as Gurjant Singh. The person sitting next to him was Bhupinder Singh @ Bhinda. The persons sitting on the motorcycle disclosed their names as Surjit Singh @ Babu, Bittu Singh @ Sukha Singh, Dalbir Singh and Balkar Singh. Upon search of Gurjant Singh one Kilogram heroin was found in a transparent plastic bag in the right side pocket of his jacket. One Kilogram Heroin in transparent plastic bag was recovered from right side pocket of the jacket worn by Bhupinder Singh. Nine packets each containing 1 Kg. Heroin were recovered from a plastic packet of yellow colour lying on the

back side of the driver seat in the car. One Kilogram of heroin, each, was recovered from Surjit Singh, Bittu Singh @ Sukha Singh, Dalbir Singh and Balkar Singh.

Mr. Salathia, Ld. Counsel for the petitioner has argued that he is being falsely implicated in this case. In the secret information on the basis of which the FIR was registered complete particulars including the father's names of six accused had been mentioned. Whereas the seventh accused had only been named as 'Jagga resident of V. Ghoga'. He argued that in the absence of mention of the father's name there is no reason to presume that the reference was to the petitioner, especially, as he was not apprehended from the spot. Even in the challan in the list of accused against whom challan has not been presented 'Jaimal Singh @ Jagga Singh s/o Fauja Singh @ Jaimal r/o Ghoga District Amritsar Rural' is listed. This also does not refer to the petitioner as the name of the father of the petitioner is Jaimal Singh and not Fauja Singh. He further argued that there is nothing on record to connect the petitioner with the crime. The petitioner is a mason and has no concern or connection with any person involved in smuggling of drugs. He is being implicated only because he happens to be the brother of one of the accused namely Bittu Singh @ Sukha Singh.

It is not possible to agree with the contention of Ld. counsel for the petitioner. The secret information had specifically mentioned 'Jagga' resident of Vill.Ghoga along with the other accused as being involved in the smuggling network. As per the prosecution, six accused had been arrested at the spot, whereas, one person who was standing besides the car had

managed to run away. All the accused i.e. Gurjant Singh, Bhupinder Singh @ Bhinda, Surjit Singh @ Babu, Bittu Singh @ Sukha singh, Dalbir Singh and Balkar Singh in their disclosure statements have stated that Jagga Singh s/o Jaimal Singh r/o Village Ghoga (petitioner) had accompanied them and that when the police party reached the area, he had succeeded in running away. They have also disclosed that Bhupinder Singh @ Bhinda and Gurjant Singh had reached the place in the Swift car belonging to Bhupinder Singh, whereas, the petitioner along with Balkar Singh, Dalbir Singh, Sukha Singh and Surjit Singh had reached there on motorcycles. Bittu Singh @ Sukha Singh has specifically mentioned that his brother Jagga Singh s/o Jaimal Singh (petitioner) was with them.

A huge quantity of Heroin stated to have been smuggled from across the border has been recovered. There is no ground to grant the benefit of anticipatory bail to the petitioner.

Dismissed.

July 15, 2022

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No