

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-43225-2021 (O&M)
Date of Decision:-29.3.2022

Amandeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Balbir Singh Jaswral, Advocate for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No. 24 dated 8.2.2021, Police Station STF, SAS Nagar, Mohali, under Sections 21/25/29 of Narcotic Drugs & Psychotropic Substances Act.
2. The facts of the case may be stated briefly as follows:

“A secret information was received by ASI Kulwinder Singh that Harmanjit Singh @ Roop who is detained in Central Jail, Amritsar is running a racket for smuggling of heroin in the jail itself with the assistance of his wife and Rahul Chehar, on the basis of information, case was registered and house of Kulwant Rai was raided who was apprehended and from his possession

100 gram heroin was recovered. Rahulpreet @ Rahul was apprehended alongwith Car bearing registration No. PB-02-DL-2200 and as per his disclosure statement 160 gram heroin was recovered. On the basis of disclosure statement made by Harmanjeet Singh and Joginder Singh @ Jagga was nominated who was also running a network in the jail and he was arrested in the present case. Thereafter, other accused persons were also nominated and arrested in this case. Allegations against the present applicant are that accused Rajan who was also detained in Jail disclosed that he can arrange the heroin as his friend Amandeep Singh i.e. present applicant is running a shop of cloth also indulged in the smuggling of heroin. The persons who was sent by Rajan gave 200 gram heroin to the applicant-accused Amandeep Singh present applicant and said heroin was given by Amandeep Singh to wife of Jagga Sarpanch, Balpuria and thereafter Rajan gave 600 gram heroin to Amandeep Singh present applicant. The said heroin was also given by Amandeep Singh to wife of Joginder Singh @ Jagga and from the price of said heroin Aman gave Rs.50,000/-to the family members of Navjot Singh and Amandeep Singh also got installed two Geysers and an AC in the house of Navjot Singh.”

3. Reply by way of affidavit of Shri Sikander Singh, PPS, Deputy Superintendent of Police, STF, Border Range, Amritsar has been filed by learned State counsel today in Court, which is taken on record.
4. Vide order dated 15.2.2022, the petitioner had been granted interim bail. The operative portion of order dated 15.2.2022 reads as follows:

“Coming then to the merits of the petition itself, it being one by which the petitioner seeks to be admitted to anticipatory bail as regards the FIR in question (as stated initially in the order).

A reply has been filed by the Deputy Superintendent of Police, STF, Border Range, dated 25.11.2021, from which learned counsel

for the petitioner points to what is contained in paragraph 7 thereof, to the effect that upon interrogation of one Navjot Singh, who was in custody in the context of some other cases, it was found that he had spoken to the petitioner who runs a shop at Mehta, and that through the petitioner first 200 grams of heroin were supplied to the wife of one Jagga Sarpanch, the said 200 grams having been given to the petitioner near the girls school at Jandiala by one Rajan, and thereafter another 600 grams were also given to the petitioner for being given onward to the same lady.

The petitioner is also stated to have been given Rs. 50,000/- for the aforesaid transactions, with which money he got installed two geysers and an air conditioner at his house.

A mobile phone is also stated to have been used by the aforesaid Navjot Singh, as is alleged to have been sold to him and some other co-accused of his, at the time that one Saago was released from jail, and that the said mobile phone had then been broken and thrown into the gutter, but with the aforesaid information having been given by the aforesaid Navjot, the petitioner and one Partap were also nominated as co-accused in the case.

Learned counsel for the petitioner submits that thus the only allegation against the petitioner is on the basis of an alleged disclosure statement made by a person in police custody, which would have no evidentiary value with nothing recovered from the petitioner actually.

Adjourned to 14.03.2022.

In the meanwhile, without making any comment on the actual merits of the case, the petitioner is directed to join investigation within one week and in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with the conditions stipulated in Section 438(2) of the Cr.P.C.”

5. Learned State counsel, upon instructions from the Investigating Officer, has informed that pursuant to interim directions the petitioner has since joined investigation and is not required for any custodial interrogation.
6. Having regard to the facts and circumstances of the case particularly the fact that the petitioner was never ever found in possession of any contraband and has already joined investigation and is stated to be having a clean record and is not involved in any other case and is not stated to be required for any further custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 15.2.2022 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

29.3.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No