

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

CRM-M No.9323 of 2023
Date of decision: 5th September, 2023

Jagga Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ashish Aggarwal, Advocate for the petitioner.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.15 dated 20.12.2019 under Sections 21, 25, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Special Operation Cell, District Amritsar.

2. Learned counsel inter alia submits that on the face of it a false case has been planted upon the petitioner, as it was a matter of record that the petitioner was neither apprehended at the spot nor any recovery of contraband, much less Heroin, effected from him. He submits that on the fateful day i.e. 20.12.2019 co-accused of the petitioner were apprehended by the police party and a recovery of 15 kgs of Heroin was effected from them. As per the allegations levelled, the petitioner fled away from the spot hence, he could not be apprehended and it was much later, on 02.08.2022 the petitioner was apprehended by the police.

Learned counsel further submits that the petitioner has clean antecedents, which further lends credence to his false implication in the case in hand. It has also been submitted that the trial would take considerable time to conclude as only 5 prosecution witnesses out of the 25 cited, stand examined till date.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Babu Lal, has submitted that a secret information was received by the police against all the accused including the petitioner qua they being a part of an international drug syndicate having their links in Pakistan. Learned State counsel further submits that no doubt the petitioner was not nabbed at the spot along with his co-accused, however, it had come to light during investigation including the interrogation of the co-accused, that the petitioner was the kingpin and had been in regular touch with the suppliers in Pakistan, as he admittedly was in possession of two Pakistani SIM cards. Learned State counsel has further submitted that secret information received was also to the effect that the petitioner along with his co-accused had been in constant touch with some drug smugglers of Pakistan.

4. Learned counsel for the petitioner has however, controverted the submissions made by the learned State counsel about the petitioner qua he being in possession of two SIM cards of Pakistani origin. He submits that there was no such material on record, much less in the final

report under Section 173(2) Cr.P.C. which had been presented by the prosecution before the trial Court.

5. Learned State counsel, however, on further instructions, has yet again strongly disputed the submissions made by the counsel opposite, and has reiterated that there were indeed disclosure statements suffered by co-accused that two SIM cards, which were taken into possession from one of the co-accused, had been provided to him by the petitioner.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. Prima facie, the petitioner’s involvement in the crime in question cannot be ruled out. As per the case of the prosecution, specific secret information was received that all the accused including the petitioner were a part of large drug mafia with links across the border. The trial is going on at a reasonable pace and thus, it would not take much time to conclude. In the facts and circumstances, as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner. The petition as such stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 5, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No