

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

Sr. No.102-a

CRM-M-9242-2023

Date of Decision : February 21, 2023

Sukhdev Singh @ Babbi Bhalaria

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ranbir Singh Sekhon, Advocate, for the petitioner.

Mr. Harkanwarjit Singh, AAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks anticipatory bail in FIR No.0009, dated 21.01.2023, registered at Police Station Mamdot, District Ferozepur, under Sections 21 & 25 of NDPS Act, 1985 (Section 25 of Arms Act, 1959 added later on).

According to the contents of the FIR, on the basis of secret information, the police acquired knowledge that the petitioner and other co-accused are involved in smuggling of heroin and arms from Pakistan which is brought by drones. Thereafter, recovery of 2 kgs. Heroin, one .30 bore pistol, 02 magazines and 12 live cartridges were made from the field of one Kulwant Singh son of Jagtar Singh.

Learned counsel for the petitioner submits that a news item dated 23.01.2023 was published according to which, drone activity was seen on the night intervening 21/22.01.2023. According to the FIR, delivery was done 1-2 nights ago i.e. 19/20.01.2023. There is a contradiction in the dates of the drone activity and thus, the contents of the FIR cannot be believed. Moreover, according to the said news report, one Nishan Singh and one Kulbir Singh were seen running away from the spot

where the drop was made. Said Kulbir Singh has not been named in the FIR and this also indicates that the police is adopting a pick and choose policy. The FIR has been registered more than a month ago and till date police has not been able to gather any evidence against the petitioner. In view of these circumstances, the petitioner deserves the concession of anticipatory bail.

News items cannot be considered to be a source of accurate information. Thus, even if there is a contradiction in the date of the drop made by a drone, no benefit can enure to the accused. Non-inclusion of Kulbir Singh in the list of accused also does not affect the veracity of the police case and investigation being conducted. The news item cannot be stated to be evidence of Kulbir Singh actually having been spotted. In cases such as the present one, collection of evidence is not an easy task. Merely because the police has not able to un-earth any evidence against the petitioner till date does not mean that he is not involved in the incident.

The matter is of a very serious nature involving the security of the State. Thus, the petitioner does not deserve the concession of anticipatory bail.

The petition has no merit and is dismissed.

February 21, 2023*Ankur***(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No