

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210-2

CRM-M-18587-2022

Date of decision: 04.07.2023

Harpreet Singh @ Happy

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Nagar Singh, Advocate for
Mr. Munish Kumar, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.73 dated 24.05.2021 lodged under Sections 21(b)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Sections 3, 5 and 9 of Official Secret Act, 1923 and Sections 120-B and 124-A of the IPC added lateron) registered at Police Station Mehatpur, District Jalandhar Rural.

2. Learned counsel appearing for the petitioner *inter alia* submits that the petitioner is a defence personnel and has been falsely implicated in the case in hand on the basis of a disclosure statement allegedly suffered by co-accused Ranjit Singh @ Ranvir Singh @ Rana and Gurpreet Singh @ Gopi, which to say the least has very weak evidentiary value. He further submits that no recovery was effected from the petitioner. Learned counsel has lastly argued that investigation

is complete and after the charges were framed only 01 out of the 47 prosecution witnesses cited, have been examined, hence, the trial shall take considerable time to conclude and further incarceration of the petitioner would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by counsel opposite, submits that no doubt there was no recovery of any narcotic substance effected from the petitioner, however, there were serious allegations against the petitioner of having compromised with the safety and security of the nation by sharing secret documents and information about various military installations/stations with co-accused Ranjit Singh @ Ranvir Singh @ Rana, who thereafter sent it across the border to Pakistan. Learned State counsel has further submitted that all the above-mentioned facts came to the fore when co-accused Ranjit Singh @ Ranvir Singh @ Rana was apprehended by the police along with 70 grams of heroin and during his personal search a mobile phone was recovered which contained all the above critical and secret information including images of patrolling programmes of various units deployed across the Line of Control, details of army posts and helipads etc. He further submits that the next date fixed before the Trial Court is 05.07.2023 when some more prosecution witnesses would be examined.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. Prima facie there are very grave, serious and specific allegations against the petitioner of having supplied critical information and photographs pertaining to various army installations to the co-

accused who in turn supplied it to Pakistan for which they all received money. In the aforementioned facts and circumstances, the petitioner does not deserve the concession of regular bail.

6. Accordingly, the instant petition is dismissed.

7. 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.

04.07.2023 (MANJARI NEHRU KAUL)
Vinay JUDGE

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