

209 (2nd case)**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-29964 of 2023 (O&M)****Date of decision: 20.07.2023****Rajandeep Singh****...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE ARUN MONGA****Present:-** Mr. Amandeep Singh Manaise, Advocate,
For the petitioner.

Mr. Virat Rana, AAG, Punjab.

ARUN MONGA, J. (ORAL)

Petitioner seeks anticipatory bail in criminal case bearing FIR No.50dated 10.05.2023 (Annexure P-1), registered under Sections 21 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as "NDPS Act"), at Police Station, Kulgarhi, District Ferozepur.

2. Per FIR, on 10.05.2023 while patrolling, police party headed by Sub-Inspector Tarsem Sharma, received a secret information that one Jaipal Singh was coming in one white coloured Swift Car bearing registration No.PB-46-AA-6186 to sell heroin in Ferozepur City and if raided, he could be caught red handed. Accordingly, raid was conducted and accused Jaipal Singh was arrested. One kg of heroin was recovered from the car. During investigation, he disclosed name of co-accused Gurbaj Singh @ Baja who was arrested on 11.05.2023. On the basis of second disclosure statement of co-accused Gurbaj Singh @ Baja made after a gap of five days, petitioner was nominated as an accused vide *Rapat* No.21 dated 18.05.2023.

3. Learned counsel for the petitioner argued that petitioner has been falsely implicated in the present case as he was not named in the FIR. He

submits that his name was nominated for the first time in the second disclosure statement made by co-accused Gurbaj Singh @ Baja recorded on 18.05.2023. He further contends that petitioner is a goldsmith by profession. Accused Gurbaj Singh @ Bajaj got married in December, 2021 and he purchased gold for his wedding from his shop. He was not making the balance payment for which complaint was made. Thereafter, petitioner started receiving extortion calls from one Canada based gangster Lakhbir Singh @ Lakha. He made complaint to higher authorities and after due investigation, police protection was also granted to him. He further contends that alleged recovery of 2.5 kg of heroin and Rs.12,97,000/- has been effected from co-accused. There is no cogent and direct evidence against the petitioner. Therefore, custodial interrogation of the petitioner is not required.

3.1 Learned counsel would further argue that petitioner is a family man who has two minor daughters. He is running a goldsmith shop for the last 20 years and he poses no flight risk. He further contends that petitioner is ready and willing to join investigation.

4. Pursuant to order dated 07.6.2023, learned State counsel has tendered status report by way of affidavit of Shri Sandeep Singh, PPS, Deputy Superintendent of Police (Rural), Ferozepur, which is taken on record.

4.1 Learned State counsel, on instructions from ASI Manjeet Singh, opposes the bailpetition. He contends that petitioner has committed a serious offence. He submits that a huge quantity of contraband has been recovered in the present FIR. Petitioner has been nominated as accused on disclosure statement of co-accused and therefore, his custodial interrogation is very important. Petitioner is an active member of the racket involved in smuggling drugs in connivance with other co-accused, who have links with Pakistani smugglers.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. Per prosecution, there is entire drug mafia involved in carrying out nefarious activities including drug supplies through an international chain where people are operating in different layers. I am unable to convince myself that since there is no direct evidence/material and since the petitioner has been implicated on the basis of disclosure statement of co-accused, petitioner has been falsely implicated due to personal grudge. Mere assertion made by petitioner that he is not involved in the case, is not sufficient to hold that petitioner is being victimized. Investigation is at a very nascent stage.

7. Given the nature of offence and role attributed to the petitioner and further keeping in mind that trial is at a very nascent stage, I am of the view that petitioner does not deserve any concession of pre-arrest bail. Needless to say, any concession would impeach normal course of investigation which is being supervised by a senior officer of the rank of Deputy Inspector General of Police.

8. Dismissed.

9. Pending application(s), if any, shall also stand disposed of.

JULY 20, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No