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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31704-2023 (O&M)

Date of Decision: 17.07.2023

Binder Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Neeraj Januha, Advocate, for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.73 dated 03.06.2023, under Sections 21, 23, 28, 29 and 30 of NDPS Act, registered at Police Station Sadar Jalalabad, District Fazilka.

2. Learned counsel for the petitioner has submitted that in the present case although the name of the petitioner was figured in the FIR but there was no connection of the petitioner with the other co-accused from whom there was an alleged recovery and no recovery has been effected from the petitioner. He further submitted that the petitioner has been falsely implicated in the present case only on the ground that he is the brother of the other co-accused namely Hoshiar Singh from whom the recovery was effected.

3. On the other hand, Mr. Sarabjit Singh Cheema, DAG, Punjab

while referring to the reply filed by the Deputy Superintendent of Police submitted that it is a serious case in which the petitioner and the other co-accused have indulged in cross border smuggling of Heroin with Pakistan and there had been a recovery of 9 kg. 387 grams of Heroin which was delivered through a Drone from Pakistan. He submitted that at the time of interrogation of both Hoshiar Singh and the other co-accused namely Gurpreet Singh, both of them have stated that the petitioner was also involved in the cross border smuggling. He further submitted that it is not a case that the petitioner has been implicated only by virtue of the fact that he is the brother of the aforesaid co-accused Hoshiar Singh but there are various other CDR details and calls that connect both of them. He further submitted that the matter is sensitive and serious in nature and the police has sufficient information and evidence to connect the petitioner with the present offence which involves cross border smuggling with Pakistan. He further submitted that the details of tower location which have been collected by the police pertaining to the petitioner and other co-accused were near the place of recovery.

4. I have heard the learned counsel for the parties.

5. The name of the petitioner is specifically mentioned in the FIR. Although there was no direct recovery from the petitioner but as per the learned State counsel, there was huge recovery of 9 kg. 387 grams of Heroin from the other co-accused who had disclosed the name of the petitioner. The arguments raised by the learned State counsel that the matter being not only serious but also sensitive wherein huge quantity of Heroin has been recovered from a place which was delivered through a Drone from Pakistan

and the custodial interrogation of the petitioner is required for the purpose of further elicitation of truth thus carry weight and cannot be ignored. The menace of deliveries of contraband and arms through Drone through inter-border smuggling with Pakistan border is not unknown.

6. Therefore, this Court is of the considered view that considering the gravity and magnitude of the offence concerned, the petitioner does not deserve the concession of anticipatory bail.

7. Consequently, the present petition is dismissed.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

17.07.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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