

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

212

CRM-M-36625 of 2023

Date of Decision:18.08.2023

Amanjeet Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Manpreet Ghuman, Advocate,
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

1. Reply by way of affidavit of the Deputy Superintendent of Police, Sub Division, Jalalabad has been filed in Court today, which is taken on record, a copy of which has been supplied to learned counsel for the petitioner and she has stated that she had gone through the reply filed by the State as a copy of the same has been supplied to her in advance.

2. The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.73 dated 03.06.2023, under Sections 21/29/61/85 of the NDPS Act, registered at Police Station Sadar Jalalabad, District Fazilka.

3. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case since there was no connecting evidence available with the police to connect the petitioner with the present offence. She

submitted that so far as one of the cases which has been so stated in para No.6 of the reply where the petitioner was involved in one more case under the NDPS Act is concerned, the petitioner already stands acquitted in the aforesaid FIR by the Juvenile Justice Board vide judgment dated 13.05.2022. She submitted that in the absence of any connecting evidence, the petitioner deserves the concession of anticipatory bail.

4. On the other hand, Mr. Sarabjit Singh Cheema, learned DAG, Punjab has submitted that it is a case where the name of the petitioner has been specifically mentioned in the FIR which has been attached with the present petition vide Annexure P-1 and while referring to the aforesaid FIR he submitted that as per the allegations, the police party while patrolling had reached near village Santokh Singh Wala, then one special informer came to the police official and informed that Amandeep Singh (petitioner in present case) son of Sharma Singh, resident of Dhandi Kadim, Baggu Singh son of not known, resident of Behram Sher Singh Wala @ Ajaba, Binder Singh son of Surjit Singh, resident of Parbhat Singh Wala, Gauri son of Lachhman Singh, resident of Dhani Phula Singh Wali and some unknown persons who have brought heroin last night from Pakistan through drone and picked up the same on their motorcycle who have number plate only on front side and whereas the back side plate is broken and on another motorcycle they are to get the delivery of this heroin with the help of one Hoshiar Singh son of Surjit Singh, resident of Parbhat Singh Wala Hithar and if watch is kept on length and patrolling in the border area, then heavy quantity of heroin can be recovered. Thereafter, the police confiscated nine packets of heroin which contained 9 kgs. 387 grams of heroin from the other co-accused, namely Hoshiar Singh and Gurpreet Singh @ Gori. While further referring to the affidavit filed by the State, learned

State counsel submitted that after the arrest of the aforesaid two co-accused, they revealed that the present petitioner alongwith other co-accused was indulging cross border smuggling of heroin and they had contacted the Pakistani smugglers. They also gathered at the house of co-accused Gori and brought heroin from Pakistan through drone. The consignment of heroin was thrown through drone in the parental land/fields of the present petitioner, namely, Amanjeet Singh. Thereafter, the heroin was hid in a constructed room in the said land belonging to the present petitioner. Similarly, the other co-accused, namely, Gurpreet Singh @ Gori also corroborated the aforesaid statement made by the co-accused Hoshier Singh. The co-accused Gurpreet Singh @ Gori also revealed that the present petitioner uses the contact of Pakistani smugglers through 'Whatsapp' calling which fact has also been established from the IPDR report qua the mobile No.82640-72213 of the petitioner which has transpired that the petitioner used the internet throughout the intervening night of 2/3.6.2023. The aforesaid co-accused Gurpreet Singh @ Gori also revealed that in the year 2021 he and the present petitioner brought 9 kg. of heroin from Pakistan and delivered it in the Indian territory.

5. Learned State counsel also submitted that it is a case of high magnitude and a huge quantity of heroin was recovered not only in the present case but as per the statement made by the co-accused when the earlier occasion also huge quantity of heroin was smuggled by the co-accused and the present petitioner. He further referred to para No.6 of the affidavit to state that the petitioner is involved in three more cases in FIR No.53 dated 20.04.2020, under Sections 21, 29, 61, 85 of the NDPS Act and 25, 54, 59 Arms Act, Police Station STF Mohali, FIR No.132 dated 12.10.2021, under Section 379 and 411 IPC, Police Station Sadar Jalalabad and third one is pertaining to NCB. He further submitted that when the present petition

was filed by the present petitioner, the petitioner has specifically stated in para No. 9 that the petitioner is innocent and has no criminal record. He submitted that there is an active concealment of material facts and it was the duty of the petitioner who should have at least disclosed the other cases registered against him. He further submitted that the present petition which is accompanied by the affidavit of the petitioner and therefore even the affidavit filed by the petitioner is false and on this ground alone the petition deserves to be dismissed.

6. Learned State counsel also brought to the notice of this Court that the other co-accused, namely, Binder Singh who was also not apprehended on the spot, also filed anticipatory bail before this Court and this Court has dismissed the anticipatory bail of the aforesaid co-accused on merits vide CRM-M-31704 of 2023 on 17.07.2023.

7. I have heard learned counsel for the parties.

8. During the course of arguments, learned counsel for the petitioner submitted that so far as one of the FIRs which has been mentioned in para No.6 of the affidavit filed by the State is concerned, pertaining to the NDPS Act the petitioner has already been acquitted. She submitted that so far as the other FIRs and one case pertaining to NCB are concerned, there was no intention to conceal the aforesaid cases against the petitioner. However, such contention of learned counsel for the petitioner is not acceptable since it is a settled law that a person who comes to Court must come with clean hands especially when the petition is supported by an affidavit. Apart from the above, it is a case where the name of the petitioner has been specifically mentioned in the FIR and although there was no direct recovery from the petitioner in the present case but the facts and circumstances of the present case suggest that considering the gravity and magnitude of the offence wherein

there was a cross border smuggling of heroin through drone, this Court does not deem it fit and proper to grant anticipatory bail to the petitioner. Consequently, finding no merit, the present petition is dismissed.

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

(JASGURPREET SINGH PURI)
JUDGE

August 18, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No