

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-43801-2022 (O&M)
Date of Decision:- 10.1.2023

Resham Singh

.... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Karanbir Singh, Advocate, for the petitioner.

Ms. Swati Batra, DAG, Punjab,
assisted by Inspector General of Police, Crime 4, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No. 313, dated 17.11.2020, Police Station Shakhot, Jalandhar Rural, Punjab, under Sections 21(C)/29/61/85 of NDPS Act and Sections 7(2) and 13 of the Prevention of Corruption Act.
2. The case of the prosecution, in nutshell, is that on 17.11.2020, 4 persons were apprehended by the police namely Ranjit Singh, Harjinder Pal @ Kala, Sanjeev @ Shintu and Kishan Singh @ Daulat while they were travelling in an i20 car and 11 kgs of 'Heroin' was recovered from the said car apart from huge amount of drug money

stated to have been recovered from each of the accused. It is further the case of prosecution that on the next date i.e. on 18.11.2020, Ranjit Singh made a disclosure statement that Resham Singh, Shera and Haji were also associated with them for the purpose of smuggling 'Heroin' from across border.

3. It is further the case of prosecution that subsequently one Balkar Singh @ Balli, was also arrested pursuant to disclosure statement made by some co-accused and who also nominated the petitioner to be an accused. Apart from the 4 persons who were arrested at the spot, another 12 came to be nominated as accused.
4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case on the basis of disclosure statements made by two of the co-accused which would hardly carry any evidentiary value, particularly in view of the fact that co-accused Ranjit Singh as well as Balkar Singh in their subsequently recorded statements during the course of an inquiry conducted by Inspector General of Police gave absolutely clean chit to the petitioner. Learned counsel in this regard has referred to the statement of Ranjit Singh dated 13.8.2021 (Annexure P-2) and that of Balkar Singh dated 13.8.2021 (Annexure P-3), wherein they have categorically stated that Resham Singh was not involved. Rather Ranjit Singh has gone to the extent of stating that he was told by DSP to nominate Resham Singh. Learned counsel has further submitted that as a matter of fact the petitioner is a NRI and is having matrimonial litigation with his wife and has been got implicated at the behest of his wife and in-laws when the petitioner came to India in the year 2019.

5. Opposing the petition, learned State counsel has submitted that the present case is a case of well organized racket of cross-border smuggling of 'Heroin' wherein several persons have been involved and huge quantity of 'Heroin' had been recovered not only from the 4 persons who were initially apprehended at the spot but even from other persons who were later apprehended pursuant to disclosure statement. Learned counsel has further informed that the petitioner happens to be involved in one more case i.e. FIR No.169, dated 23.11.2020, Police Station Maqsudan, District Jalandhar, under Section 21 of NDPS Act. The State counsel has further submitted that as on date proclamation proceedings have been initiated against the petitioner. Learned State counsel has further referred to a report dated 23.8.2021 of Inspector General of Police, pertaining to an inquiry during the course of which the statements Annexures P-2 and P-3 were recorded wherein in the concluding portion of the inquiry it has been mentioned that the matter is left to be adjudicated by the Courts and there is no specific finding that the petitioner is not involved.
6. This Court has considered the rival submissions.
7. It is not in dispute that the petitioner was not amongst the 4 persons who were initially apprehended by the police on 17.11.2020 and from whom huge quantity of 'Heroin' was recovered. The petitioner came to be nominated subsequently on the statements of one Ranjit Singh and one Balkar Singh. While Ranjit Singh had been arrested on the spot, Balkar Singh had been arrested subsequently pursuant to a disclosure statement. However, this Court finds that the initial

disclosure statements made by Ranjit Singh and Balkar Singh stands diluted when the statements of aforesaid Ranjit Singh and Balkar Singh were recorded subsequently during the course of an inquiry by Inspector General of Police. A perusal of statement dated 13.8.2021 (Annexure P-2) of Ranjit Singh shows that he has stated categorically to the following effect.

“.....
I do not know Resham Singh son of Tarsem Singh resident of street number 8, Kabir Nagar Jalandhar. I have never met him. When DSP interrogated me, he showed me a photograph of someone and said that if someone asks you that you know Resham Singh, then you should say that I know Resham Singh and I used to supply the contrabands to Resham Singh.
.....”

8. Similarly, in the statement dated 13.8.2021 of Balkar Singh (Annexure P-3) recorded by Inspector General of Police, he stated specifically as follows:

“.....
I do not know Resham Singh son of Tarsem Singh who is resident of Street 8 Kabir Nagar, Jalandhar.....”

9. Though, a disclosure statement furnishes the investigation with valuable leads but the same *ipso facto* cannot be said to be substantive evidence. In the present case the initial disclosure statements virtually stand demolished by the subsequent statements of Ranjit Singh and Balkar Singh, recorded by Inspector General of Police, when the said 2 persons were in judicial custody. Though, the petitioner is stated to be involved in another case under NDPS Act,

but admittedly the said case pertains to recovery of 5 grams of ‘Heroin’ from a cousin of the petitioner namely Jagjit Singh and wherein the petitioner came to be nominated subsequently on the statement of said Jagjit Singh.

10. Having regard to the aforestated facts and circumstances of the case, this Court is of the opinion that it is a fit case for grant of anticipatory bail to the petitioner. The petition, as such, is accepted. The petitioner, in the event of arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

10.01.2023
Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No