

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-46001-2022 (O&M)

Date of decision : 23.1.2023

Gurlal Singh

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. B.S.Bhalla, Advocate,
for the petitioner.

Mr. Lovinder Sofat, DAG, Punjab.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.28 dated 21.2.2021 registered under Sections 21 of NDPS Act and Section 25 of Arms Act at Police Station Special Task Force, STF Wing SAS Nagar (Mohali) related to PS Kalanaur, District Gurdaspur.

Counsel for the petitioner *inter alia* contends that FIR in this case was registered against unknown persons with regard to recovery of 4 kg 210 grams of Heroin and that even as per order dated 29.8.2022 passed by learned Judge, Special Court, Gurdaspur whereby the application moved by the petitioner under Section 438 of Cr.P.C. was dismissed, there are no specific allegations against the petitioner with regard to his involvement in the aforesaid recovery of Heroin; that the allegations are only against Gurmit Singh @ Lalo whose younger brother Harpreet Singh is in Malaysia

and it was Gurmit Singh @ Lalo who had gone to a particular place to

collect Heroin which was to be delivered by him to one Hindu gentleman who was in contact with aforesaid Harpreet Singh. Counsel for the petitioner further submits that the petitioner is ready to join the investigation with the police.

Present petition is contested by the State counsel who submits that the present case is relating to cross border drug trafficking and on the night of 20.2.2021, a packet containing 4 kg 210 grams of Heroin and firearm and ammunition was thrown from the other side of Indo Pakistan border and the same was recovered by the local police with the cooperation of officials of Border Security Force. State counsel further submits that during the investigation, on checking of call detail records, it was found that the present petitioner was also involved in the said drug trafficking as his mobile phone No.95699-25789 was found in the aforesaid call detail records. He further submits that the petitioner is required by the police for proper investigation of the present case which involves recovery of commercial quantity of contraband, one pistol and 12 cartridges. State counsel further apprised the Court that the petitioner is involved in 3 other cases under NDPS Act and as such, is not entitled to the concession of anticipatory bail.

I have considered the submissions made by the counsel for the parties.

Drugs are being smuggled from the other side of Indo Pakistan border by means of direct throwing and now even drones are being used for that purpose. In the present case, huge quantity of Heroin weighing 4 kg 210 grams is stated to be thrown from across the border and the same was recovered by the local police with the assistance of officials of BSF and the

parcel was also found to be containing one pistol and 12 live cartridges. During the investigation of the case which was registered against unknown persons, the police arrested one Gurmit Singh @ Lalo and the call detail records were checked, on which, the involvement of the present petitioner is also found in the present case which is relating to recovery of commercial quantity of contraband. Rigors of Section 37 of NDPS Act are applicable to the instant case and as has been informed by the State counsel, the petitioner is already involved in 3 other cases under NDPS Act.

In view of above, I am of the opinion that custodial interrogation of the petitioner is necessary to go to the root of the case and to inquire about the origin of the contraband, firearm and ammunition.

Consequently, the present petition is hereby dismissed being devoid of merits. However, any observations made hereinabove are not to be construed as an expression of opinion on the merits of the case.

(KARAMJIT SINGH)
JUDGE

January 23, 2023
Paritosh Kumar

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