

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

(i) CRM-M-49965-2022

Ravej Singh Dhillon

.... Petitioner

Versus

State of Punjab

.... Respondent

(ii) CRM-M-33372-2022

Randeep Singh @ Rani @ Ramneek Singh @ Rammi Petitioner

Versus

State of Punjab

.... Respondent

Date of decision: 20.04.2023

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Ishan Gupta, Advocate
for the petitioner (in CRM-M-49965-2022).

Mr. Randeep Singh Waraich (Rana), Advocate
for the petitioner (CRM-M-33372-2022).

Mr. Jaspal Singh Guru, AAG, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

1. Separate custody certificates filed by learned counsel for the
State are taken on record.

2. By this common order 02 aforementioned petitions are
being disposed of, as both have arisen out of the same FIR.

3. The petitioners have filed the aforesaid petitions under

Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 147 dated 6.11.2020 registered under Sections 8, 18, 21, 23, 25, 27-A and 29 of the NDPS Act; Sections 27 and 30 of the Arms Act; Sections 171, 395, 419 and 473 IPC and Section 64 of the Punjab Police Act at Police Station STF SAS Nagar, Mohali, District Ludhiana. For brevity, the facts are being extracted from CRM-M-49965-2022.

4. Briefly, the case of the prosecution is that the Special Task Force (STF), cracked a sensational case involving huge recovery. Large scale recovery has been made in the present case. From co-accused-Gurdeep Singh, Sarpanch 392 grams of heroin and 2.5 kgs of heroin, 400 grams of opium, one revolver .32 bore along with four live cartridges, one rifle .315 bore along with two live cartridges along with one magazine without licence, one rifle double barrel .12 bore along with 11 live cartridge without licence, 8 live cartridges of 7.62.5 bore without licence, 18 live cartridges of .32 bore along with magazine pistol, six live cartridges of .32 bore without licence, Rs.21,04,950/-, golden jewellery and many luxury vehicles were recovered. From accused-Ravej Singh Dhillon (petitioner in CRM-M-49965-2022), 2.5 kgs of heroin was recovered. From accused-Ramneek Singh (petitioner in CRM-M-33372-2022) 300 grams of heroin was recovered. From co-accused, namely, Iqbal Singh and Amritpal Singh, 100 grams and 117 grams of heroin respectively was recovered.

5. Learned counsel for petitioner-Ravej Singh Dhillon (in CRM-M-49965-2022, *inter alia*, contends that petitioner has falsely been implicated in the instant case. He was not apprehended at the spot.

According to the prosecution story, during interrogation, on 06.11.2020 and 07.11.2020, on the basis of disclosure statements suffered by the petitioner, 500 grams of heroin was recovered from the bed box lying at House No. 226, Mahavir Enclave Village Barewal, Awana, Ludhiana and 2 kg heroin was recovered from plot adjacent to above-mention plot, respectively. However, no such recovery was effected from the petitioner, rather he was illegally picked up by the police party. He is in custody since **06.11.2020**.

6. Learned counsel for petitioner-Randeep Singh @ Rani @ Ramneek Singh @ Rammi, *inter alia*, contends that the petitioner has falsely been implicated in the instant case. Nothing has been recovered from him. He is in custody since **06.11.2020**.

7. Learned counsel for the petitioner(s) submit that investigation in the present case has been completed. The proceedings in the trial are going on at snail pace and its conclusion will take a sufficient long time. No useful purpose will be served by further detention of the petitioner(s) in custody. Co-accused of the petitioner(s), have already been enlarged on bail by a co-ordinate Bench of this Court vide orders 04.05.2022, 02.03.2022 and 02.03.2022 (Annexures P-2 to P-4 in CRM-M-33372-2022) Thus, it is prayed that treating the case of the petitioners on the same parity as that of their co-accused and also considering the long period of incarceration suffered by both the petitioners, they may be released on regular bail. In support of their contentions, learned counsel for the petitioner(s) have relied upon judgments in **(i) Mohd. Muslim @ Hussain vs. State (NCT of Delhi), 2023 LiveLaw (SC) 260** and **(ii) Dheeraj Kumar Shukla vs. The state of**

Uttar Pradesh, SLP (Crl.) No. 6690/2022 decided on 25.01.2023.

8. On the other hand, learned counsel for the State vehemently opposed the submissions of learned counsels for the petitioner(s), in view of averments made in status report filed by way of affidavit of Sh. Arun Sharma, Deputy Superintendent of Police, Special Task Force, Border Range, District Amrtisar (in CRM-M-33372-2022). He contends that both the petitioner(s) are habitual offenders. The petitioner(s) along with their co-accused are indulged in sale and purchase of narcotics. He further contends that if, the petitioner(s) are released on bail, possibility of tempering of prosecution evidence and absconding of accused/petitioner(s), cannot be ruled out. Thus, keeping in view the antecedents of the petitioner(s) (gravity and seriousness of the allegations, learned counsel prayed for dismissal of all the petitions.

9. I have heard learned counsel for the parties at length and carefully gone through the record and material available on record.

10. Admittedly, the present FIR was registered on the basis of secret information to the effect that co-accused-Gurdeep Singh, Ex. Sarpanch, Ravej Singh Dhillon (petitioner in CRM-M-49965-2022) and Randeep Singh @ Rani @ Ramnik Singh @ Rammi (petitioner in CRM-M-33372-2022), along with other co-accused have formed a group and used to import heroin and other intoxicants from Pakistan and other countries through containers and store the same in India at different places after refining the same. They distribute the drug money out of the sale of these intoxicants among themselves. They have made crores of rupees from smuggling of heroin and have constructed many houses at different places out of this money and have also purchased luxury cars.

In pursuance to the secret information, a raid was conducted by the police at the building near Gurudwara Nanaksar, Jagraon and accused- Gurdeep Singh, Ex. Sarpanch, Ravej Singh Dhillon Ravej Singh Dhillon (petitioner in CRM-M-49965-2022), co-accused Iqbal Singh and Randeep Singh @ Rani @ Ramnik Singh @ Rammi (petitioner in CRM-M-33372-2022) were apprehended along with their vehicles on 06.11.2022. The Investigating officer also procured call detail records of mobile phones of accused, namely; Amrinder Singh, Bhajan Singh @ Bhau, Gurdeep Singh, Ramneek Singh @ Raney (Randeep Singh @ Runey), Manmeet Singh, Constable which clearly shows their links with each other.

11. During the course of interrogation, Ravej Singh Dhillon (petitioner in CRM-M-49965-2022) got recovered 500 grams of heroin from his residential house on 06.11.2020 and further got recovered 2 kgs of heroin from a vacant plot near his house at village Rano, District Ludhina on 07.11.2020.

12. During the course of interrogation, Randeep Singh @ Rani @ Ramnik Singh @ Rammi (petitioner in CRM-M-33372-2022), got recovered 300 grams of heroin from his residential house. Moreover, one Audi Q7 car and one Skoda Rapid car was also recovered from him.

13. In view of the discussion made above, it is crystal clear that from both the petitioners as well as their co-accused, heavy recovery of contraband under the NDPS Act, illegal weapons as well as luxury cars purchased from the drug money were effected. The contraband recovered from both the petitioners falls within the ambit of 'commercial quantity' which attract rigours of Section 37 of the NDPS Act. The

allegations against the petitioners are very serious in nature which needs no leniency at this stage. The drug peddlers have successfully destroyed the social fabric of our society and led youth to the wrongful path. Such type of persons need to be dealt with firmly and sternly and no sympathy can be shown to them lest that should prove to be counter productive and result in increased drug trafficking. Hon'ble Supreme Court in its judgment passed in ***Union of India Vs. Ram Samujh: 1999(4) RCR (Criminal) 93*** has observed as under:-

*"7. It is to be borne in mind that the aforesaid legislative mandate is required to be adhered and followed. It should be borne in mind that in murder case, accused commits murder of one or two persons, while those persons who are dealing in narcotic drugs are instruments in causing death or in inflicting death blow to number of innocent young victims, who are vulnerable; it causes deleterious effects and deadly impact on the society; they are a hazard to the society; even if they are released temporarily, in all probability, they would continue their nefarious activities of trafficking and/or dealing in intoxicants clandestinely. Reason may be large stake and illegal profit involved. This Court, dealing with the contention with regard to punishment under Narcotic Drugs And Psychotropic Substances Act, has succinctly observed about the adverse effect of such activities in ***Durand Didier v. Chief Secretary, Union Territory of Goa , 1989(2) RCR (Criminal) 505 : 1990(1) SCC 95*** as under :-*

"With deep concern, we may point out that the organized activities of the underworld and the clandestine smuggling of narcotic drugs and psychotropic substances into this country and illegal trafficking in such drugs and substances have led to drug addiction among a sizable section of the public, particularly the adolescents and students of both sexes and the menace has assumed serious and alarming proportion in the recent years. Therefore, in order to effectively control and eradicate this proliferating and booming devastating menace, causing deleterious effects and deadly impact on the society as a whole, the Parliament in the wisdom has made effective provisions by introducing this Act 81 of 1995 specifying mandatory minimum imprisonment and fine."

14. Moreover, antecedents of the petitioners are also not good as they are habitual offenders and involved in other cases under the NDPS Act. It has been observed by the Hon'ble Supreme Court in case ***Gudikanti Narasimhulu Vs. Public Prosecutor, High Court of A.P. : (1978) 1 SCC 240*** that deprivation of freedom by refusal of bail is not for punitive purposes but for the bifocal interests of justice. It has further been observed that it is rational to enquire into the antecedents of the man who is applying for bail to find out whether he has a bad record, particularly a record which suggests that he is likely to commit serious offences while on bail. Merely because the petitioners are behind the bars since 06.11.2020 and trial is not likely to conclude in near future, are no grounds for grant of regular bail to the petitioner. Hon'ble Supreme Court in ***Kalyan Chandra Sarkar vs. Rajesh Ranjan @ Pappu Yadav (SC), Law Finder Doc Id # 69139***, has considered this issue and observed as under:-

“13.....In the impugned order it is noticed that the High Court has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail.”

15. The facts and circumstances of the judgments relied upon by learned counsel for the petitioner(s) are quite distinguishable from the

facts of the present case because every case has its own peculiar facts and circumstances. Therefore, no benefit of the same, whatsoever, can be given to the petitioners.

16. Keeping in view the overall facts and circumstances of the present case and seriousness of the allegations levelled against the petitioner(s), namely, Ravej Singh Dhillon and Randeep Singh @ Rani @ Ramneek Singh @ Rammi, I do not deem it a fit case for grant of concession of regular bail to them. Hence, both the petitions bearing CRM-M-49965 and 33372-2022 cannot be entertained by this Court and the same are hereby dismissed.

17. Nothing said herein above shall tantamount to expression of opinion on the merits of the case.

20.04.2023

rishu

**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No