

102 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58864 of 2022(O&M)

Date of Decision: 20.01.2023

Jodhbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Ms. Bhagyashree, Advocate
For the petitioner.

Mr. C.L. Pawar, DAG Punjab

KARAMJIT SINGH, J.

This is second petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case having FIR No. 19 dated 02.02.2022, registered under Sections 10, 11 and 12 of Aircraft Act, 1934, 188 of IPC at Police Station Sarai Amanat Khan, District Tarn Taran, to which offence under Sections 21, 28, 29 and 30 of Narcotic Drugs and Psychotropic Substances Act (for brevity, NDPS Act) and Section 25 of Arms Act were added lateron.

The counsel for the petitioner submits that the FIR in this case was registered against unknown persons and thereafter the petitioner has been falsely implicated in the present case and as per the allegations in the FIR, on 18.01.2022 the officials of Border Security Force (BSF) had shot down one drone alleged to be operated from the opposite side of Indo-Pak border. The counsel for the petitioner further submits that the petitioner is having nothing to do with the said drone and that there is no land of the petitioner near the Indo-Pak border fencing and that the Gram Panchayat of

his village has verified the said fact vide writing Annexure P-2. The counsel further submits that initially the FIR was registered under Sections 10, 11 and 12 of the Aircraft Act, 1934 and Section 188 IPC but later on the police also added offences under Sections 21/ 28/ 29/ 30 of NDPS Act and Section 25 of Arms Act. The counsel for the petitioner further submits that the petitioner is not involved in any such drug trafficking as has been alleged by the police and that the petitioner is ready to join the investigation with the police in the present case.

This petition is contested by the State counsel who submits that during investigation it was found that the petitioner and his brother were involved in cross-border smuggling of drugs with the help of drones and that in the present case five accused persons are arrested by the police and that the petitioner is also required by the police for proper and effective investigation in this case and the issue of National security is involved in the present case.

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

In the recent past, BSF has recovered drugs and firearms dropped by the drones operated from the other side of Indo-Pak border and just two days back there was news in the newspaper that BSF seized Chinese firearms dropped by one such drone about 8 kms inside the Indian Territory. The air dropping of drugs and weapons via drones across the international border is of great concern and is also threat to National security.

In the light of the above, this Court is of the view that the custodial interrogation of the petitioner who is also alleged to be involved in

such like anti-national activities, is necessary to go to the root of the case. Further, as has been submitted by the State counsel the petitioner is also involved in some other cases registered under the NDPS Act.

For the foregoing reasons, the present petition is hereby dismissed being devoid of merits. However, anything stated above is not to be construed as an expression of opinion on the merits of the case.

20.01.2023
Jiten

(KARAMJIT SINGH)
JUDGE

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