

CRM-M-59294-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-59294-2023
Decided on: 13.12.2023

Manpreet Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. A.D.S. Sukhija, Advocate for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
135	20.07.2023	City South, District Moga	21, 22 & 29 of NDPS Act and Sections 13(1)(2) of PC Act 1988 (added later on)

1. The petitioner apprehending arrest in the FIR captioned above, for possessing 130 tablets of etizolam which is commercial quantity, had come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide a detailed order dated 07.12.2023, the petitioner was granted interim protection, which is continuing till date. It would be appropriate to reproduce para 8 of the said order, which reads as follows:-

“8. An analysis of pleadings as well as the arguments would lead to the following outcome. “Recovery is of 130 tablets of Etizolam which is commercial quantity however as per para 6 of the reply mentioned above, role of the petitioner was that he along with Inspector Lachhman Singh, had received money from accused Kirandeep Kaur @ Kirna wife of Gurpreet Singh, Karamjeet Singh @ Sahil, Sona wife of Pawan Kumar, Kalu residents of Sadhan Wali Basti, Moga and Jashandeep Singh @ Kali through accused named Parkash Singh. There is no evidence that money which he had received, had any connection with the drug money or otherwise. There is no allegation against the petitioner that he had at any point of time dealt with drugs and further there is no recovery which was effected from the petitioner.”

3. After that interim order, reply dated 12.12.2023 has been filed by the concerned DySP. Paras 4 to 6 of the said reply are relevant, which reads as follows:-

“4. That during investigation of the case, said Kirandeep Kaur @ Kirna wife of Gurpreet Singh and Jasvir Kaur @ Jassi wife of Baljit Singh Mintu and Baljit Singh @ Mintu son of Kuldip Singh, got recorded their disclosure statement that they had purchased said 130 intoxicant tablets

CRM-M-59294-2023

and 5 grams heroin from Karamjit Singh @ Sahil son of Kulvir Singh, Sona wife of Pawan Kumar, Kallu residents of Sadhan Wali, Jashandeep Singh @ Kali son of Raja Singh, Amarjit Singh resident of ChowkShekhan, Moga as per directions of Parkash Singh son of Harbhajan Singh resident of Shri Guru Chander Nagar, Moga. On the basis of said disclosure statement said Karamjit Singh @ Sahil son of Kulvir Singh, Sona wife of Pawan Kumar, Kallu residents of Sadhan Wali, Jashandeep Singh @ Kali son of Raja Singh, Amarjit Singh resident of ChowkShekhan, Moga and Parkash Singh were nominated as accused and offence u/s 29 of NDPS Act was added vide DDR No.31 Dated 21.07.2023.

5. That during investigation of the case, accused Parkash Singh was arrested by the police on 21.07.2023 and from his possession drug money amounting to Rs.20,000/- was recovered.

6. That vide order no.968-69R-SSP, Moga dated 02.08.2023 a Special Investigating Team was constituted for conducting the investigation of the present case. During investigation, it is found that Inspector Lachhman Singh and petitioner Manpreet Singh had received the amount from accused Kirandeep Kaur @ Kirna wife of Gurpreet Singh, Karamjit Singh@ Sahil, Sona wife of Pawan Kumar, Kalu residents of Sadhan Wali Basti, Moga and Jashandeep Singh @ Kali through accused Parkash Singh. So, vide DDR No.36 dated 02.08.2023 petitioner and Inspector Lachhman Singh have been nominated as accused and offences u/s 7, 13(2), 88 have been added in the present case. It is necessary to point out here during investigation from the co-accused nabbed on the spot, this fact has surfaced that the petitioner and Inspector Lachhman Singh used to receive amount from the accused on monthly basis in order to protect them from the penal provisions of Law. The matter is being thoroughly and deeply investigated by the Special Investigating Team as the matter pertains to bursting of drug racket of which petitioner is an active member while holding official capacity. Since, this present case pertains to recovery of tablets more than the commercial quantity of Etizolam and the petitioner has direct links with the co-accused apprehended on spot with commercial quantity of contraband, the custodial interrogation is very much required in order to unearth the true facts, enquire about the monetary benefits that the petitioner has gained wrongfully and gather relevant information pertaining to the drug racket run by the petitioner and his co-accused. Provisions of section 37 NDPS will apply in this case and the same is not a fit case to grant relief of anticipatory bail to the petitioner."

4. As per evidence collected against the petitioner till date, petitioner's involvement is based on the disclosure statement of co-accused. As per allegations, petitioner was recipient of drug money on monthly basis and the evidence collected as on date, is not sufficient to deny bail to the petitioner.

Given above, interim order dated 07.12.2023 is made absolute and petition allowed, subject to the condition that the petitioner shall join investigation as and when called upon to do so. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

13.12.2023

anju rani

Whether speaking/reasoned:

Yes

Whether reportable:

No.