

CRM-M-61137-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61137-2022
Reserved on: 28.08.2023
Pronounced on: 29.08.2023

Karaj Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Harpal Singh Sidhu, Advocate for the petitioner.
Mr. Shiva Khurmi, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
90	25.07.2022	Cantt Ferozepur, District Ferozepur	166, 167, 195, 471, 218 & 120-B IPC, Sections 21 & 59 of NDPS Act and Section 13 of Prevention of Corruption Act

1. The petitioner, apprehending arrest for violating the above-mentioned provisions of Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS Act) as per the FIR captioned above, has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide a detailed order dated 02.02.2023, Co-ordinate bench of this Court had granted interim bail to the petitioner, which is continuing till date.
3. The State is opposing the bail on the grounds that the petitioner is not at all cooperating and is not telling the source of Rs.86 lacs which were allegedly misappropriated and even the car which was involved, belongs to the petitioner's mother for which he is not giving satisfactory reply.
4. Faced with this, petitioner's counsel submits that the petitioner be granted bail and he undertakes to fully cooperate and join investigation. He further submits that the petitioner is willing to comply with any condition including keeping one prepaid sim card and surrendering his weapons and disclosing his assets etc. Petitioner's counsel argued

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that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

REASONING:

5. The brief facts of the case are being taken from para Nos.3 to 10 of the reply dated 23.08.2023, which reads as under:-

...“3. That brief facts of the case are that complainant got recorded his statement with the police that his younger brother is doing the business of money laundering. Ashok Kumar informed the complainant that on 20.07.2022 at about 5.30 PM he sent his one employee namely Gautam from Ludhiana to Moga on a rental taxi driven by Kanwaljit Singh. Gautam has to take payment of Rs.86 lakhs from Moga. At about 7.30/8 PM phone of Gautam was switched off. Lateron he came to know that Parminder Singh Bajwa, ASI Angrej Singh and HC Joginder Singh in connivance with their other companions had apprehended said Gautam and taxi driver Kanwaljit Singh resident of Ludhiana and he believes that Inspector Parminder Singh Bajwa and his companions have misappropriated the amount of Rs.81 lakhs out of Rs.86 lakhs and falsely implicated said Gautam and taxi driver Kanwaljit Singh in false case registered u/s NDPS Act at PS Cantt Ferozepur, in which they had alleged that one kilogram heroin and drug money of Rs.5 lakhs has been recovered from them. Ashok Kumar disclosed that his employee Gautam and taxi driver Kanwaljit Singh are innocent. Inspector Parminder Singh Bajwa, ASI Angrej Singh, HC Joginder Singh in connivance with their other companions with intention to grab the amount embezzled by them have registered said false case against them.

4. That after registration of the instant case, investigation of this case was marked to Deputy Superintendent of Police, Gurusahai. During investigation of the case ASI Narinderpal Singh No.828/Ferozepur, ASI Sukhdev Singh No.365/Ferozepur, ASI Sukhwinder Singh No.239/Ferozepur, ASI Baldev Raj No.1257/Ferozepur, ASI Mohan Lal no.1112/Ferozepur, Sr. Constable Gurmej Singh No.588/Fzr, Sr. Ct. Jarmanjit Singh No.978/Fzr and PHG Sandeep Singh No.22759, all employees of CIA Staff, Ferozepur were joined. ASI Narinderpal Singh got recorded his statement that on 20.07.2022 at about 3 AM, as per directions of Inspector Parminder Singh, ASI Narinderpal Singh, ASI Angrej Singh, ASI Rajpal, HC Joginder Singh, Sr. Ct. Gurmej Singh, Sr. Ct Jarmanjit Singh reached residential house of Inspector Parminder Singh in Swift car No. PB05AB-5092 of Sr. Ct. Jarmanjit Singh. Wherefrom HC Joginder Singh alongwith ASI Angrej Singh and ASI Rajpal Singh moved towards Kotlse Khan on Etios car of ASI Rajpal Singh. At about 4 AM ASI Narinderpal Singh, Sr. Ct. jarmanjit Singh, Sr. Ct. Gurmej Singh, Inspector. Parminder Singh and private driver Deep moved towards Tarn Taran on Scorpio vehicle No. PB08CW0024 of Inspector Parminder Singh. On the way Inspector Parminder Singh remained into touch with second police party through phone. Police party headed by Inspector Parminder Singh stopped on a Dhaba after crossing Tarn Taran. After sometime second police party headed by ASI Angrej Singh alongwith one unknown person also reached at said Dhaba, After staying about 3 hours at said Dhaba police party stopped at Sandhu Dhaba and stayed there for about 2 hours they moved from said Dhaba and stopped at another Dhaba. After taking meal at about 12 noon, Inspector Parminder Singh directed the police party that hey have to go to Moga. As some mechanical issue was arisen

in the Etios vehicle of ASI Rajpal Singh due to which ASI Angrej Singh, HC Joginder Singh Private person were shifted into Scorpio vehicle of Inspector Parminder Singh and Sr. Ct. Gurmej Singh was shifted into said car of ASI Rajpal Singh. After reaching at Bus stand Moga, Inspector Parminder Singh got another private person sit into his scorpio and moved towards Ferozepur Road. After crossing Moga City they parked their scorpio vehicle at one side. After sometime other employees namely ASI Baldev Raj, ASI Sukhwinder Singh, ASI Mohan Lal, ASI Sukhev Singh and PHG Sandeep Singh also came there in the Swift car of ASI Mohan Lal. At about 7.30 PM Inspector Parminder Singh received a telephonic call and directed the police party that they have to apprehended one Etios car No. 3563 having yellow colour number plate and is coming from Moga side. After sometime said Etios car crossed the police party, then police party as per directions of Inspector Parminder Singh started following said Etios. On the way under bridge situated at Moga-Ferozepur Road, police party got stopped said Etios vehicle in which two youngmen having haircut were travelling. Inspector Parminder Singh, ASI Angrej Singh and HC Joginder Singh got alighted both said persons and handed over them to the police party. In the meantime, police party of ASI Baldev Raj also came there. Then as per directions of Inspector Parminder Singh, ASI Narinderpal Singh, private driver Deep, Sr. Ct. Jarmanjit Singh, PHG Sandeep Singh and two persons apprehended from Etios moved towards Ferozepur and Inspector Parminder Singh also directed them not to conduct any enquiry from said two persons. Whereas Inspector Parminder Singh alongwith ASI Angrej Singh and HC Joginder Singh stated travelling in said Etios car. In presence of ASI Narinderpal Singh and others nothing was recovered from said two persons.

5. That during investigation of the case it was found that no heroin was recovered from possession of Gautam and Kanwaljit Singh as alleged in FIR No.88/2022 PS Ferozepur Cantt, got registered by ASI Angrej Singh.

6. That during investigation of the case on 27.07.2022 ASI Rajpal Singh was also nominated in the present case. On 27.07.2022 ASI Angrej Singh, HC Joginder Singh and ASI Rajpal Singh were arrested by the police.

7. That during investigation of the case, on 31.07.2022 in the evening time search of residential house (rental) of Inspector Parminder Singh was conducted in presence of Duty Magistrate and during search 3710 Tramadol tablets and 4 kg 709 grams intoxicant powder and 25 empty covers which were torn from one side and detail of amount was mentioned on it, were also recovered. In this regard separate case bearing FIR No.99 Dated 01.08.2022 U/s 22 NDPS Act PS Kulgari has been registered.

8. That during investigation of the case on 02.08.2022 it is found that Karaj Singh @ Kaji son of Joginder Singh resident of BastiSmund village SherpurTaiban, PS Dharamkot(Petitioner) had delivered Rs.86 lakhs to Gautam and Kanwaljit Singh through Creta car No. PB91P-7777. On this said Karaj Singh (Petitioner) has also been nominated as accused in the present case and on same day Creta car No. PB91P-7777 has also been recovered by the police, whose registration is on the name of Petitioner's mother Swaranjit Kaur.

9. That lateron, on 08.08.2022 investigation of this case has been transferred to the Vigilance Bureau, in compliance of order no.3350-53/Crime/Inv-5 Dated 01.08.2022 issued by the Director, Bureau of Investigation, Punjab, Chandigarh. Now investigation of the case is being conducted by the deponent.

10. That during the search of the rental house of the Parminder Singh Baja, as detailed above 3710 Tramadol tablets and 4 kg 709 grams

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intoxicant powder and 25 empty covers which were torn from one side and detail of amount was mentioned on it, were also recovered.”

6. Considering the fact that the interim bail is continuing from 02.02.2023 and coupled with the reply filed by the State and the undertaking given on behalf of the petitioner to fully cooperate, the interim order dated 02.02.2023 is made absolute subject to complying with the following conditions:-

(i) The petitioner is directed not to keep more than one prepaid SIM, i.e., one pre-paid mobile phone number, till the conclusion of the trial; however, this restriction is only on prepaid SIMs [mobile numbers] and not on post-paid connections or landline numbers. The petitioner must comply with this condition within fifteen days of release from today. The concerned DySP shall also direct all the telecom service providers to deactivate all prepaid SIM cards and prepaid mobile numbers issued to the petitioner, except the one that is mentioned as the primary number/default number linked with the AADHAAR card and further that till the no objection from the concerned SHO, the mobile service providers shall not issue second pre-paid SIM/ mobile number in the petitioner's name. Since, as on date, in India, there are only four prominent mobile service providers, namely BSNL, Airtel, Vodafone-Idea, and Reliance Jio, any other telecom service provider are directed to comply with the directions of the concerned Superintendent of Police/Commissioner of Police, issued in this regard and disable all prepaid mobile phone numbers issued in the name of the petitioner, except the main number/default number linked with AADHAR, by taking such information from the petitioner's AADHAR details or any other source, for which they shall be legally entitled by this order. This condition shall continue till the completion of the trial or closure of the case, whichever is earlier. In Vernon v. The State of Maharashtra, 2023 INSC 655, [para 45], while granting bail under Unlawful Activities (Prevention) Act, 2002, Supreme Court had directed imposition of the similar condition, which reads as follows, “(d) Both the appellants shall use only one Mobile Phone each, during the time they remain on bail and shall inform the Investigating Officer of the NIA, their respective mobile numbers.”

(ii) Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned

authority within fifteen days from today and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules.

(iii) Within fifteen days from today, the petitioner shall forward to the Investigator/SHO and the complainant/victim(s) the following details.
If the petitioner fails to comply with this condition, then on this ground alone the bail might be cancelled, and the complainant may file any such application for the cancellation of bail, and the State shall file the said application. The petitioner to declare their all assets in the following formats in Rupees (INR):

Total value of all net worth as on 31 Mar 2023	
Current total value of all net worth	
Cash in hand as on date (Indian Rupee)	
Cash in hand as on date (All other currencies)	
Details of all bank accounts	
Current amount in cash, savings, checking, deposit accounts and crypto currency	
Total Value of equity shares & mutual funds as on 31 Mar 2023	
Current total Value of equity shares & mutual funds	
Total Value of recurring deposit, fixed deposits, bonds, pension plans, & annuity insurance policies as on 31 Mar 2023	
Current total Value of recurring deposit, fixed deposits, bonds, pension plans, & annuity insurance policies	
Current total market value of all jewellery, sovereign metals, artefacts, antiques etc.	
Current total market value of property including buildings, land etc. its area and location	
Total income in FY 2022-23 including farms, agriculture, horticulture, wages, salaries, commissions, interests, royalties, rent, income, or gifts received from other family members	
Enter the details of vehicles owned or in possession	
Any other asset or income	
Total liabilities as on 31 March 2023 (Including loans)	

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Current total liabilities (Including loans)	
Approximate expenditure during FY 2022-23	
Any other expenses	

Petition is allowed in aforesaid terms. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

29.08.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.