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

**CRM-M-1161-2024 (O&M)
Date of decision: 16.09.2024**

Gopal Jindal

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Siddharth Gupta, Advocate,
for Mr. Sandeep Sharma, Advocate,
for the petitioner.

Mr. TPS Walia, AAG, Punjab,
assisted by SI Darshan Singh.

None for the complainant.

MAHABIR SINGH SINDHU, J.

Present second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') for grant of bail pending trial to the petitioner in FIR No.0017 dated 26.03.2023 (P-1), under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') [Section 120-B of the Indian Penal Code, 1860 added later on], registered at Police Station Dharamgarh, District Sangrur.

2. Allegations are that 80 strips (each containing 10 tablets) of Tramadol Prolonged release Tablets IP Tramwel SR-100 were recovered from the fields of Harjiwan Singh, *de facto* complainant and that led to registration of above FIR against unknown persons.



3. Contends that petitioner has been nominated as an accused after about three months from the date of alleged occurrence in connivance with police. Also contended that petitioner is in custody since 20.06.2023 and no contraband has been recovered from him. Further contended that petitioner has been falsely implicated due to political vendetta and there is no other criminal case pending against him. Again contended that complainant himself is a habitual offender and is involved in 04 criminal cases. Lastly contended that all the other co-accused have been granted the concession of bail by this Court vide separate order(s) of even date (16.09.2024) and the case of petitioner is at par with that of his co-accused.

4. *Per contra*, learned State Counsel, on instructions from the Police Officer present in Court, opposed the prayer while submitting that during investigation, on 20.06.2023, one Amrik Singh got recorded his statement, under Section 161 Cr.P.C., and then under Section 164 Cr.P.C. before learned Judicial Magistrate First Class, Sangrur, (for short, 'JMIC'), thereby nominating the petitioner along with other co-accused i.e. Kuldeep Singh @ Buta & Harbhajan Singh. Also submitted that petitioner himself got recorded statement under Section 164 Cr.P.C. before learned JMIC, revealing the entire episode as to how they tried to implicate the complainant in a case under the NDPS Act. Further submitted that earlier also, petitioner approached this Court seeking bail pending trial and was released on interim bail vide order dated 26.07.2023, but he along with other co-accused pressurized the



complainant to compromise the matter. Consequently, his bail petition was dismissed on merits by this Court on 01.08.2023. Lastly submitted that there is strong apprehension that in case petitioner is released on bail, he is likely to influence the prosecution witnesses and hamper fair trial.

5. There is no representation on behalf of the complainant.
6. Heard both sides and perused the paper-book.
7. Concededly, first petition, i.e. CRM-M-34697-2023 for grant of bail pending trial was dismissed on merits by this Court vide order dated 01.08.2023 (P-8), while observing as under:-

“(6) Concededly, petitioner was not named in the FIR; but during investigation, the complainant got recorded his supplementary statement on 18.05.2023 to the effect that contraband was kept in his fields by Harbhajan Singh (Panch) and Kuldeep Singh @ Buta as a counter-blast to the complaint, already made by him to the Vigilance Bureau regarding embezzlement of public funds.

Thereafter, one Amrik Singh got recorded his statement under Section 161 Cr.P.C. to the effect that on 19.06.2023 at about 7/8 AM, when he was going to fields, his motorcycle developed some snag near the Gurudwara Sahib/Primary School of the Village. When he was trying to repair the motorcycle, Kuldeep Singh @ Buta & Harbahjan Singh were standing there and Kuldeep Singh @ Buta was talking on phone with Gopalu (Gopal Jindal) that tablets which you handed over to us, have been kept in the fields of Harjeevan Singh. He further stated that above Kuldeep Singh @ Buta was talking with Gopalu that now it is your job to inform the police. Similar statement was also got recorded by Amrik Singh before the learned JMIC, under Section 164 Cr.P.C. and thereafter, the petitioner was arrested on 20.06.2023.

(7) Also noteworthy that during interrogation, petitioner revealed the names of three more accused, namely, Inderjeet Singh @ Bittu, Gurtej Singh & Jagga Singh and they were also nominated in the present case. It has also come on record during investigation that



petitioner as well as above Kuldeep Singh @ Buta were talking with each other on 19.06.2023 and his location was found near Gurudwara Sahib/Primary School of the Village at about 7:45 AM. Call details of all three mobile numbers i.e. 9300807100, 9872065265 & 9517889000, belonging to Kuldeep Singh @ Buta, Harbhajan Singh & Gopal Jindal, respectively, have also been collected by the police. The Police have also collected the call records of Mobile Numbers 8591645000 & 9517274800, belonging to Inderjeet Singh @ Bittu & Jagga Singh, respectively. Also surfaced during investigation that accused Harbhajan Singh had procured the contraband from one Rajdeep Singh @ Bagga, who is involved in 06 other cases under the NDPS Act/Excise Act.

(8) Thus, prima facie, it appears that petitioner along with other co-accused tried to implicate the complainant under the NDPS Act. Even petitioner himself got recorded his statement under Section 164 Cr.P.C. while narrating the modus operandi adopted by all the accused in connivance with each others. Fortunately, it was only due to the reason that petitioner got scared and he could not call the police party on 26.03.2023; otherwise, the complainant might have been landed in a false case under the NDPS Act, which of course cannot be taken lightly.

(9) No doubt, petitioner was granted interim bail by this Court on 31.07.2023; but as contended by learned State Counsel, he is pressurizing the complainant to compromise the matter and not to support the prosecution case.

(10) Above all, in pursuance of the order dated 31.07.2023, passed by this Court, the complainant has come present and he also candidly stated that petitioner as well as other co-accused are pressurizing him to compromise the matter.”

8. There are no changed circumstances after the dismissal of the first petition, except the period of custody. That apart, no parity can be claimed by the petitioner with his co-accused since he is the main accused and was the person behind the entire episode. Still further, from the statement of petitioner recorded under Section 164 Cr.P.C.,



considered opinion that in case petitioner is released on bail, there is every possibility that he may hamper the course of trial.

9. In view of the above, this Court is not inclined to accept the prayer and as such, there is no option except to dismiss the petition.

10. Ordered accordingly.

11. Above observations may not be construed as an expression of opinion on merits of the case, in any manner.

Pending application(s), if any, shall also stand disposed off.

16.09.2024

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**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking / reasoned :
Whether Reportable :

Yes	No
Yes	No