

2024:PHHC:167530



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-836 of 2023
Date of Decision: 16.12.2024

Jagdeep Singh @ Jaggi	Versus	...Petitioner
State of Punjab		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Harpreet Singh Mander, Advocate for
Mr. Harmanpreet Singh Multani, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

Mr. P.S. Ahluwalia, Advocate and
Ms. Bhavi Kapur, Advocate (Amicus Curiae).

Mr. Prateek Gupta, Advocate, for CBI.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.234 dated 26.09.2022 registered under Sections 21(c), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, '**the NDPS Act**') at Police Station Special Task Force, District STF Wing, SAS Nagar, Mohali.
2. The FIR in the present case was registered on the basis of a secret information received by SI Sumeet Singh. The police had set

up a *Nakka* and on search of a motorcycle, on which Navtej Singh @ Baba and Jagmeet Singh @ Meet co-accused were riding, 500 grams of heroin was recovered from the tool kit of the motorcycle. The present petitioner was confined in Central Jail, Ferozepur at that time and he was smuggling the heroin with the help of Navtej Singh @ Baba and Jagmeet Singh @ Meet and he had made available the heroin to Navtej Singh @ Baba and Jagmeet Singh @ Meet. After the arrest of Navtej Singh @ Baba and Jagmeet Singh @ Meet, the petitioner was also arrested on 28.09.2022. After his arrest, the petitioner filed the present petition before this Court with a prayer to grant the concession of regular bail to him.

3. During the course of hearing, various interim orders were passed by this Court from time to time and this Court had noticed that certain police officials were negligent in performing their statutory duties and were hand in glove with the drug peddlers. Even, the petitioner was confined in Jail and the jail officials were spared and no steps were taken to investigate the case effectively against them. Consequently, the State of Punjab was directed to take action against the Investigating Officer, Supervising Officer and Senior Police Officers of Punjab Police. Even, the Public Prosecutor, who had vetted the challan was found to be negligent.

4. In compliance of the orders passed by this Court, a status report has been filed by way of an affidavit of the Deputy Superintendent of Police, Special Task Force, Border Range, District

Amritsar, on behalf of State of Punjab and the same was taken on record.

5. In the present case, an inquiry was conducted by Sh. Sudhanshu S. Srivastava, Additional Director General of Police, Security, Punjab and the report dated 11.03.2024 was submitted to the DGP, Punjab. During the course of inquiry, it was found that SI Sumeet Singh No. 35/CP, ASR, Investigating Officer of the case was negligent in conducting the investigation. Arun Sharma, DSP/STF was having additional charge, but he did not give any written orders to the Investigating Officer during the investigation nor any zimini was written by him during the investigation nor he followed the order of senior officers. Sikander Singh, DSP/STF should have shown interest in the investigation and should have deeply investigated as the FIR pertained to commercial quantity. Apart from that, Racchpal Singh, the then AIG/STF was also careless by not showing interest in the investigation in the present case. Ultimately, DGP, Punjab, recommended to the Secretary, Department of Home Affairs and Justice, Government of Punjab, to initiate suitable action as per the report of ADGP, Security, Punjab. Vide letter dated 28.03.2024, the Secretary, Department of Home Affairs and Justice, directed the DGP, Punjab to initiate departmental inquiry against (i) SI Sumeet Singh No. 35/CP ASR (ii) Sh. Rachhpal Singh, PPS, the then AIG/STF (now retired), (iii) Sh. Arun Sharma, PPS, DSP/STF and (iv) Sikander Singh, PPS, DSP/STF. Thereafter, the charge sheet was prepared

against four officials and the Special Director General of Police, Special Task Force, SAS, Nagar, was directed to initiate the departmental inquiry against the above said four officials. Still further, it has been further stated that the Secretary, Department of Home Affairs and Justice has also issued memorandum to the erring officials as per the following details:-

“(i) Memorandum has been issued to Sh. Arun Sharma, PPS, DSP/STF through No. 11/03/2024-1G1/1409 by the Secretary, Punjab Government, Department of Home & Justice

(ii) Memorandum has been issued to Sh. Sikander Singh, PPS, DSP/STF through No. 11/03/2024-1G1/1410 by the Secretary, Punjab Government, Department of Home & Justice.

(iii) Memorandum has been issued to Sh. Rachhpal Singh, PPS, the then AIG/STF through No. 11/03/2024-1G1/1411 by the Secretary, Punjab Government, Department of Home & Justice”.

6. As per the said reply, the above said personnels had been given 21 days time period to submit their replies and the departmental inquiry was being conducted against the officials.

7. In view of the above, it is apparent that the necessary action has already been initiated against the erring officials, who were found negligent during the course of inquiry. It is expected that the disciplinary action initiated by the officials shall be taken to its logical end.

8. Now adverting to the facts of the present case, it is apparent that at the time of commission of the offence, the petitioner was confined in Central Jail Ferozepur and at his instance 500 grams of heroin was transported illegally by Navtej Singh @ Bawa and Jagmeet Singh @ Meet and the quantity of the heroin was found to be commercial quantity. Apart from that, the petitioner is a habitual offender and 12 other FIRs were ordered to be registered against him under the Provisions of Indian Penal Code, Arms Act and NDPS Act and the details of the cases is as under:-

Sr. No.	FIR No.	Under Section	Police Station
1.	FIR No. 48 dated 18.04.2013	22 of the NDPS Act	Lohian
2.	FIR No. 29 dated 10.04.2018	379-b(2), 34 of IPC and 25, 27 Arms Act	Tarsika
3.	FIR No. 46 dated 18.04.2013	382, 307, 427 and 34 IPC	Lohian
4.	FIR No. 20 dated 23.07.2017	452, 336, 506, 307, 148 and 149 of IPC and Sections 25 and 27 of Arms Act	Chohla Sahib
5.	FIR No. 28 dated 14.04.2017	307, 323, 324, 452, 148, 149 of PIC and 25 and 27 of Arms Act	Chohla Sahib
6.	FIR No. 62 dated 14.06.2017	323, 324, 506, 342, 336, 148, 149 of IPC and Sections 25 and 27 of Arms Act	Chohla Sahib
7.	FIR No. 77 dated 14.06.2017	379-B of IPC 25 and 27 of Arms Act	City Zira Ferozpur
8.	FIR No. 45 dated 06.04.2018	379-B, 427, 473 and 341 of IPC	Jandiala Guru
9.	FIR No. 99 dated 06.04.2018	22 of NDPS Act, 25 of Arms Act	Chohla Sahib
10.	FIR No. 182 dated 22.04.2020	52-A Prison Act	Islambad, ASR
11.	FIR No. 166 dated 20.05.2021	18-B NDPS Act 42, 52-A Prison Act	Islambad ASR
12.	FIR No. 134 dated 24.04.2022	52-A Prison Act	Goindwal Sahib

9. In view of the gravity of the offence as well as in view of the fact that the petitioner is a habitual offender, there is no merit in the present petition and the petition is ordered to be dismissed.
10. The record of the present case was retained in the Court and the Reader of the Court is directed to hand over the record to the learned State counsel against receipt.
11. The trial Court is also directed to expedite the trial pending before the Court.

16.12.2024

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No