

101

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

**CRM-M-3825-2024 (O&M)
Date of decision : 20.03.2024**

Akash Deep Singla

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. A.P.S. Deol, Senior Advocate,
with Mr. H.S. Deol, Advocate for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab,
assisted by Inspector Sahib Singh.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.0058 dated 24.04.2023, under Section 22 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (for short, 'the NDPS Act') (Section 29 of the NDPS Act and Sections 419, 420 & 120-B of the IPC added subsequently), registered at Police Station, City-1, District Malerkotla.

2. Briefly, allegations are that 2,70,000 intoxicating tablets make "Toridol SR-100" containing salt 'Tramadol Hydrochloride' were recovered from co-accused of the petitioner.
3. Affidavit dated 20.03.2024 filed by Inspector Sahib Singh, SHO, Police Station City-1, Malerkotla is taken on record. Copy thereof supplied to the other side.

Registry to do the needful.

4. Contends that petitioner is not named in the FIR; rather implicated on the basis of disclosure made by co-accused Mohd. Tahir on 26.04.2023. Also contends that petitioner has no correlation with the contraband recovered from co-accused; nor there is any evidence to connect the petitioner with commission of crime. Specifically submitted that the allegation of Rs.3,00,000/- as recorded in the disclosure made by Mohd. Tahir is also not remotely connected with the petitioner. In substance, learned Senior Counsel has completely disowned the alleged contraband.

5. *Per contra*, learned State counsel, on instructions, has opposed the prayer, but he is not able to explain as to what steps were taken by the investigating officer in the last about 11 months to apprehend the petitioner; therefore, *prima faice*, it shows that there is total connivance with the petitioner.

6. Heard learned counsel for the parties and perused the paper-book.

7. Allegations are that 2,70,000 intoxicating tablets containing Tramadol Hydrochloride were recovered from co-accused Mohd. Tahir, Umardin and Mohd. Shehbaz, and which is commercial in nature. Petitioner's name surfaced in the disclosure made by aforesaid Mohd. Tahir and reference in this regard can be made to para 3(iii) of the affidavit filed today, which reads as under:-

“iii. That during interrogation, on 26.04.2023, the accused Mohammad Tahir confessed to his involvement in the regular supply of intoxicant tablets to Akashdeep Singh @ Ashu, the proprietor of Sai Medical Hall, through procurement from Surinder Kumar @

Vicky, with whom he had a commission-based arrangement. Mohammad Tahir disclosed that following discussions with Akashdeep Singla regarding the demand for intoxicant tablets, he engaged Surinder Kumar @ Vicky to fulfill the order. On the same day, Surinder Kumar arrived at Mohammad Tahir's medical hass, Elite Pharma, Saroud Road, Malerkotla, in his Maruti Dezire car, and he was handed over three lakh rupees to facilitate the purchase of the intoxicant tablets. Surinder Kumar informed Mohammad Tahir that the tablets would be supplied through courier from Torino Laboratories Pvt. Ltd., Mumbai. Consequently, on 24th April 2023, Mohammad Tahir and his associates received a parcel containing five boxes of intoxicant tablets through courier, intended for delivery to Akashdeep Singla. They were apprehended along with the said intoxicant tablets. Based on Mohammad Tahir's revelation, Surinder Kumar and Akashdeep Singla (now petitioner) were implicated as accused, and offence under section 29 of the NDPS Act was added to the present case. Additionally, Yogesh Bansal was also nominated as an accused, with an offence under Section 419 of the IPC being incorporated into the ongoing investigation."

8. It also transpires that petitioner was in constant touch with the main accused inasmuch as 16 calls were exchanged between the petitioner and co-accused Mohammad Tahir. For reference, para No.4 of the affidavit reads as under:-

4. That during the investigation proceedings, the Calls Detail Record of the petitioner Akashdeep Singla as well as co-accused Mohd. Tahir son of Khushi Mohammad have been obtained. From the perusal of calls detail record of mobile phone No.93168-94000 of Mohammad Tahir, (co-accused) and mobile phone No.98727-89475 of the petitioner Akashdeep Singla, it has been found that for the period from 16.11.2021 to 28.03.2023, total 16 calls are found to be made between both i.e. petitioner Akashdeep Singla and his co-accused Mohammad Tahir."

9. In view of the above, complicity of the petitioner is quite apparent; thus, his custodial interrogation would be required in this case and as such, there is no option except to dismiss the petition.
10. Ordered accordingly.
11. The above observations may not be construed as an expression of opinion on merits of the case, in any manner.
12. Pending application(s), if any, shall also stand disposed off.

20.03.2024
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No