



**204 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-6026-2024

Date of decision: 17th July, 2024

Nirmaljit Singh @ Nirmal Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Shivam Joshi, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The instant petition has been filed by the petitioner under Section 438 of Cr.P.C. seeking grant of anticipatory bail in case arising out of FIR No. 275 dated 24.12.2023 registered under Sections 21, 29, 61 and 85 of The Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Maqboolpura, District Amritsar. Offence under Section 21-C of the NDPS Act added later on.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 24.12.2023 on the basis of statement recorded by SI Paramjit alleging therein that on the same day, he along with other police officials was on patrolling duty, when a secret information was received to the effect that Jagroop Singh, Harwinder Singh, Harpreet Singh @ Harsh and Samandeep were in close contact with



smugglers and were engaged in the business of selling narcotic/heroin. It was also informed that at that time, they were present near Grewal Farms, G.T. Road with an Activa bearing No. PB-02-DW-8197 and were waiting for someone for supplying consignment of heroin and could be apprehended if raid was conducted immediately. Believing the secret information to be reliable, a raiding party was immediately formed. Ruqa was sent through Constable Lovepreet Singh for registration of FIR. Other formalities were also completed and the police party rushed at the informed place from where the above named Jagroop Singh, Harpreet Singh were apprehended. Recovery of 260 grams of heroin from the possession of Jagroop Singh and 290 grams of the same contraband had been effected from the possession of co-accused Harpreet Singh. During interrogation, the accused Jagroop Singh disclosed the name of the petitioner as supplier of heroin on the basis of which he was nominated as an accused in this case. Apprehending his arrest, he moved an application for grant of pre-arrest bail before the Court of learned Additional Sessions Judge, Amritsar which has been dismissed vide order dated 24.01.2024.

3. Vide order dated 05.02.2024, the petitioner was directed to join investigation. The relevant part of this order is reproduced below:-

“Notice of motion for 22.5.2024.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/ Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate



with the Arresting/ Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

4. The petitioner had joined investigation in pursuance of order dated 05.02.2024. However, since it was submitted by learned State counsel that the petitioner had not been cooperating with the investigation and had been concealing material facts, he was again directed to join the investigation on 30.05.2024. Today, it is submitted by learned State counsel that though the petitioner has again joined the investigation, however, his custodial interrogation is required as he is not answering satisfactorily to the questions put to him as to the source where the contrabands were arranged from.

5. Learned counsel for the petitioner has submitted that he has been co-operating with the investigation and since neither any recovery has been effected from him nor is he aware about the source of supply of the contraband, therefore, his custodial interrogation is no more required.

6. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

7. Huge quantity of heroin was recovered from the possession of the co-accused in this case. As per the disclosure statement made by one of the co-accused, it was the petitioner who used to supply the contraband to them. The petitioner after joining investigation has not co-operated with the investigating agency. Keeping in view the severity of the allegations as levelled in this case, this Court is of the considered opinion that the custodial



interrogation of the petitioner is required for eliciting the truth in the matter and for conducting thorough investigation. Merely because of the fact that he has joined investigation earlier, he has not become entitled to be extended benefit of pre-arrest bail as a matter of right. In view of this discussion, I see no reason to allow the petition. Hence, the same is dismissed.

8. Since the main petition has been dismissed, pending application, if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

17th July, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |