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

CRM-M-7507-2024

Decided on: 15.03.2024

Rajdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. H.S. Deol, Advocate for the petitioner.

Mr. Kanav Bansal, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
430	05.12.2023	City Faridkot	21(b), 29 of NDPS Act, 42, 52-A of Prison Act, 7(2) of PC Act (petitioner nominated for this offence only vide GD No.56 dated 14.12.2023)(Sections 177, 179 IPC added vide order dated 23.02.2024)

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, had come up before this Court under Section 439 CrPC seeking regular bail.

2. On 16.02.2024, when the matter was listed for first time, this Court asked the State to file response. Thereafter on 06.03.2024, reply was filed and after considering the nature of allegations and other factors, this Court granted interim bail and one of the reason of granting bail was that the petitioner had voluntarily agreed to declare his assets, which was mentioned in para 15 of the bail order.

3. Petitioner's counsel submits that they had handed over the affidavits to the Investigator and voluntarily complied with the order of declaring assets and it is submitted that they shall not claim such declaration as self incrimination, violation of Article 20/21 of Constitution of India or any other fundamental right/law. Counsel further submits that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family. The investigator may verify such assets if required and proceed in

accordance with law, if any anomalies found. The concerned investigator is further directed to forward one original copy of the affidavit to the petitioner's employer within two weeks from today.

4. The State's counsel does not dispute the contention made by counsel for the petitioner, but opposes the bail.

5. I have gone through the record and heard counsel for the parties at length.

6. Prosecution's case is being taken from reply dated 22.02.2024, which reads as follows:-

"2. That the brief facts of the case are that on 05-12-2023, Assistant Superintendent, Central Jail, vide his letter no. 14026-ASUT dated 05-12-2023 the Police station City Faridkot about the surprise checking in Jail (Block-08) which led to the recovery of one smart mobile phone Realme Black Colour with one sim and 100 gm of Heroin from the possession of prisoner Anoop Singh son of Tarlok Singh r/o Jhabal Road, Amritsar Sahib who is a hard core criminal. Acting upon the information, FIR No. 430 dated 05-12-2023 under section 21-b NDPS Act and 42/52- A Jail Act was registered against said Anoop Singh.

3. That with the commencement of investigation, case property was seized on 06-12-2023 and was produced before CJM, Faridkot and as per directions same was deposited at DPO, Faridkot. On 12-12-2023, accused Anoop Singh was produced before Ld. Magistrate and got attested inventory of case property. The Ld. Magistrate, separated 10 gm of Heroin and prepared two representative sample parcels of 05-05 gm each. Accused was arrested in accordance with law.

4. That during police remand, accused Anoop Singh had suffered a disclosure statement in terms of section 27 Evidence Act on 13-12-2023 which led to the recovery of two mobile phones make of Nokia IMEI: 357650133523200 with one sim of Airtel and another mobile phone NOKIA 357650133414293, on his demarcation from the jail premises on 14-12-2023. Further during interrogation, accused Anoop Singh divulged about the complicity of other inmates namely i) Jagtar Singh son of Amarjit Singh r/o Mahla Klan ii) Parbat Singh @ Nihang son of Jagsir Singh r/o Kussa iii) Gurjinder Singh son of Buta Singh r/o Bora Saida iv) Sukhdev Singh alias Sebu son of Santokh Singh r/o Moga v) Sham Lal son of Kashmiri Lal R/o Abohar in the drug trafficking in Jail premises and admitted that he used to supply Heroin to the above named jail inmates and to Amandeep Singh son of Paramjit Singh r/o Chatha, PS Harike, who was confined in Jail at Goindwal (Tarn Taran). Accordingly the aforesaid prisoners were also nominated as accused vide DDR No. 36 dated 13-12-2023.

5. That in furtherance with investigation, all the nominated accused aforesaid were produced before the Ld. Magistrate on 14-12-2023 and were arrested in accordance with law. During interrogation accused

Sham Lal had disclosed that he was serving sentence in Central Jail, Faridkot since 2011, he came in contact with prisoner Anoop Singh who used to bring Heroin in Jail from jail official Warden Rajdeep Singh-present petitioner and payment was made to his wife on Google pay no. 98886-86525 and at his instance, his wife further deposit this payment in Petitioner's bank account no. 50100036643700 and sometimes cash was also paid to Rajdeep Singh-petitioner. On the basis of accurate inputs, wife of prisoner Sham Lal namely Sunita Rani and present petitioner were nominated as accused and enhancement of offence under section 29 NDPS Act and 7(2) P.C Act made vide DDR No. 56 dated 14.12.2023

6. That on 14-12-2023, nominated accused Sunita Rani was joined in investigation who disclosed that her husband has confined in Faridkot Jail. He made her mobile call and gave account no. 50100036643700 belongs to petitioner and said present petitioner used to bring them Heroin for selling in Jail and asked to make payment of 15000/- in this bank account. Said Sunita Rani deposited amount on 16- 10-2023 and produced the cash deposit receipt. Sunita Rani was arrested and from her possession mobile phone Vivo along with Sim no. 98886-86525 were recovered and seized.

7. That Accused-petitioner was forthwith apprehended and interrogated who admitted that he used to take supply of Heroin from connection of Sham Lal and bring it to him after an interval of 10/10 days and was getting Rs. 60000/- for supply of each consignment. Petitioner was put under arrest. Petitioner had suffered a disclosure statement u/s 27 Evidence Act that he received total Rs. 180000/- against supply of Heroin to Sham Lal in Jail. He spent Rs. 1,24000/- for gold ornaments for his wife and in pursuance of his statement, got recovered the jewellery from his house on 17-12-2023.

8. That during the course of investigation on 18-12-2023, the statement of account of petitioner's account no. 50100036643700 was obtained and perused, which transpired that the petitioner was paid a sum of Rs. 15000/- on 16-10-2023 and Rs. 40000/- on 15-11-2023 by accused Sunita Rani wife of Sham Lal. Further the mobile no. 78147-88756 which belongs to the family persons of prisoner Sham Lal, the call details revealed that there was constant calling from this number to the petitioner on his mobile no. 9530160273. There is tangible evidence against petitioner to prove his deepest connections with drug traffickers active in Jail network.

9. The sample parcel was deposited at FSL, Bathinda vide Road No. 735 dated 14-12-2023 for chemical analysis and its result was received and detected 29.16% Diacetylmorphine (Heroin) in the contents of parcel. The initial investigation was completed on 05-02- 2024 and challan has been presented in the competent court on 09-2- 2024. Trial is at initial stage and even charges have not framed against petitioner yet.

10. That the petitioner being an public servant, his conduct is highly condemnable and people like petitioner are responsible for not allowing to curb the drug menace in the Punjab State. Allegations against petitioner are serious in nature. In case petitioner is admitted on bail, he may indulge in similar offence again. Thus petitioner is not entitled to be

enlarged on bail. Petition deserves to be dismissed.”

7. Given the facts and circumstances peculiar to the case coupled with the fact that petitioner had voluntarily declared assets and considering the amount involved, nature of allegations and also the period of custody which is approximately three months, there would be no justification for further pre-trial incarceration.

Petition is allowed. Interim order dated 06.03.2024, is made absolute. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

15.03.2024
anju rani

Whether speaking/reasoned:	Yes
Whether reportable:	No.