

CRM-M-12425-2024

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2024:PHHC:037349

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

**CRM-M-12425-2024
Date of decision : 15.03.2024**

INDERJIT SINGH @ INDER

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. S.S. Brar, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.154 dated 22.09.2022 registered for the offences punishable under Sections 21/23/25/29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Jalalabad, District Fazilka.

2. Counsel for the petitioner submits that the name of the petitioner has cropped up during the course of investigation in the statement of Ranjit Singh while in police custody. No recovery from the petitioner has been made. He further relies upon the order passed in CRM-M-35443 of 2023 dated 11th of September, 2023 (Annexure P-3), CRM-M No.48082 of 2023 dated 1st of December, 2023 (Annexure P-4) and CRM-M No.43106 of 2023 dated 12th of September, 2023 (Annexure P-5) whereby co-accused

namely Gurwinder Singh @ Ginda @ Joginder Singh, Raj Singh @ Raju and Ranjit Singh have been granted regular bail by this Court observing as under:

in CRM-M-35443 of 2023

“1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.154 dated 22.09.2022 registered under Sections 21/29 NDPS Act and Sections 23/25/27-B/61/85 NDPS Act (added later on) at Police Station City Jalalabad, District Fazilka.

2 As per the case of the prosecution ruqa was received on the basis of secret information and FIR was registered on the basis thereof which reads as under :-

“Today myself Insp/SHO including ASI Jarnail Chand 61/Fazilka, ASI Bhajan Singh 945/Fazilka, SC Prem Chand 992/Fazilka, C-2 Lekh Raj 534/Fazilka, CT Sanamjit Singh 1337/ Fazilka, PHG Puran Chand 7624 were riding in government vehicle number PB-22-R-0869 driven by CT Avneet Kumar 1144/Fazilka and were on our way to the area of police station city Jalalabad for patrolling and checking of suspicious men, when the police party patrolling was present at FF Road Tiwana Chowk Jalalabad, then the special informer informed to myself Insp/SHO that Gurnam Singh son of Mangal Singh son of Karan Singh resident of Jhughe Kishore Singh Wale Thana Mamdot, Raj Singh alias Raju son of Dayal Singh resident Dhani Bachan Singh Wali, Chak Khiva and Gurwinder Singh alias Ginda son of Jeet Singh resident of Dhani Bachan Singh Wali, Chak Khiva are riding on a motorcycle Bajaj CT-100, who communicate with persons residing in Pakistan and import large quantities of heroin and other anti-national materials from Pakistan and sell it to the customers at different-different villages and in Jalalabad, who last night have also ordered a large quantity of heroin from Pakistan across the India-Pakistan border beyond the barbed wire and have also sold to unidentified persons travelling in Innova car bearing number HR-22-Q-4037. If

barricading is done on the FF road, then a huge amount of heroin and cash can be recovered from them. Whereby, the information is affirmative and trustable. Whereby, Gurnam Singh son of Mangal Singh son of Karan Singh resident of Jhughe Kishore Singh Wale Thana Mamdot, Raj Singh alias Raju son of Dayal Singh resident of Dhani Bachan Singh Wali, Chak Khiva, Gurwinder Singh alias Ginda son of Jeet Singh resident of Dhani Bachan Singh Wali Chak Khiva and unknown persons by doing so, meet the definition of offence under Section 21,29/61/85 NDPS Act. For this reason, the Ruqa is sent to the police station by hand of PHG Puran Chand 7624 in order to get the FIR registered against the above accused. By registering the FIR, the number should be made aware of the FIR. Special reports to be issued. Notification should be given on PCR Fazilka. On the other hand, the Insp/SHO along with the fellow employees, for the purpose of doing barricading are departing for the place disclosed by the informant at Sant Kabir School, Jalalabad.”

3 Custody certificate has been filed. The same is taken on record.

4 It has been further alleged that the naka bandi was effected which let to arrest of Gurnam Singh from whom recovery of Rs.52,74,700/- was effected on 22.09.2022. Thereafter, the petitioner was arrested on 21.12.2022 and it is being claimed that from him recovery of Rs.4,00,000/- has been effected on 25.12.2022 from his house which is a drug money.

5 Learned counsel for the petitioner submits that apart from the fact that the name of the petitioner has cropped up in the FIR, there is nothing which has been recovered from the petitioner to link him with the present offence. Petitioner is behind bars since 21.12.2022 and there is nothing on record that links the alleged recovery of Rs.4,00,000/- with the drug money. Investigation is complete. Challan already stands presented and most of the witnesses are official witnesses thus there cannot be any apprehension that the petitioner shall tamper with the evidence. It has been further contended that the petitioner has clean antecedents and is not involved in any other criminal case.

6 Learned State counsel is not in a position to dispute the aforementioned factual assertions based on record.

7 I have heard learned counsel for the parties and have gone through the records of the case.

8 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner and the fact that he has clean antecedents and there is till date nothing on record that can link the alleged recovery of Rs.4,00,000/- with the drug, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

(i) The petitioner shall not mis-use the liberty granted.

(ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.

(iii) The petitioner shall not absent himself on any date before the trial.

(iv) The petitioner shall not commit any offence similar to the one alleged in the present case.

(v) The petitioner shall deposit his passport, if any with the trial Court.

(vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.

(vii) The petitioner shall not in any manner try to delay the trial.

9 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.”

in CRM-M No.48082 of 2023

“1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.154 dated 22.09.2022 registered under Sections 21/29 NDPS Act and Sections 23/25/27-B NDPS Act (added later on) at Police Station City Jalalabad, District Fazilka.

2 As per the contents of the FIR, it has been alleged as under :-

"Incharge Police Station City Jalalabad, "Jai Hind Today myself Insp/SHO including ASI Jarnail Chand 61/Fazilka, ASI Bhajan Singh 945/Fazilka, SC Prem Chand

992/Fazilka, C-2 Lekh Raj 534/Fazilka, CT Sanamjit Singh 1337/ Fazilka, PHG Puran Chand 7624 were riding in government vehicle number PB-22-R-0869 driven by CT Avneet Kumar 1144/Fazilka and were on our way to the area of police station city Jalalabad for patrolling and checking of suspicious men, when the police party patrolling was present at FF Road Tiwana Chowk Jalalabad, then the special informer informed to myself Insp/SHO that Gurnam Singh son of Mangal Singh son of Karan Singh resident of Jhughe Kishore Singh Wale Thana Mamdot, Raj Singh alias Raju son of Dayal Singh resident Dhani Bachan Singh Wali, Chak Khiva and Gurwinder Singh alias Ginda son of Jeet Singh resident of Dhani Bachan Singh Wali, Chak Khiva are riding on a motorcycle Bajaj CT-100, who communicate with persons residing in Pakistan and import large quantities of heroin and other anti-national materials from Pakistan and sell it to the customers at different-different villages and in Jalalabad, who last night have also ordered a large quantity of heroin from Pakistan across the India-Pakistan border beyond the barbed wire and have also sold to unidentified persons travelling in Innova car bearing number HR-22-Q-4037. If barricading is done on the FF road, then a huge amount of heroin and cash can be recovered from them. Whereby, the information is affirmative and trustable. Whereby, Gurnam Singh son of Mangal Singh son of Karan Singh resident of Jhughe Kishore Singh Wale Thana Mamdot, Raj Singh alias Raju son of Dayal Singh resident of Dhani Bachan Singh Wali, Chak Khiva, Gurwinder Singh alias Ginda son of Jeet Singh resident of Dhani Bachan Singh Wali Chak Khiva and unknown persons by doing so, meet the definition of offence under Section 21,29/61/85 NDPS Act. For this reason, the Ruqa is sent to the police station by hand of PHG Puran Chand 7624 in order to get the FIR registered against the above accused. By registering the FIR, the number should be made aware of the FIR. Special reports to be issued. Notification should be given on PCR Fazilka. On the other

hand, the Insp/SHO along with the fellow employees, for the purpose of doing barricading are departing for the place disclosed by the informant at Sant Kabir School, Jalalabad.”

3 Custody certificate has been filed. The same is taken on record.

4 Learned counsel for the petitioner relies upon custody certificate produced by the State to submit that the petitioner has already undergone custody as under trial of 11 months & 7 days. He further relies upon order dated 11.09.2023 passed in CRM-M-35443 of 2023 whereby co-accused, namely, Gurwinder Singh @ Ginda @ Joginder Singh has been extended the concession of regular bail observing as under :-

“4 It has been further alleged that the naka bandi was effected which let to arrest of Gurnam Singh from whom recovery of Rs.52,74,700/- was effected on 22.09.2022. Thereafter, the petitioner was arrested on 21.12.2022 and it is being claimed that from him recovery of Rs.4,00,000/- has been effected on 25.12.2022 from his house which is a drug money.

5 *Learned counsel for the petitioner submits that apart from the fact that the name of the petitioner has cropped up in the FIR, there is nothing which has been recovered from the petitioner to link him with the present offence. Petitioner is behind bars since 21.12.2022 and there is nothing on record that links the alleged recovery of Rs.4,00,000/- with the drug money. Investigation is complete. Challan already stands presented and most of the witnesses are official witnesses thus there cannot be any apprehension that the petitioner shall tamper with the evidence. It has been further contended that the petitioner has clean antecedents and is not involved in any other criminal case.*

6 *Learned State counsel is not in a position to dispute the aforementioned factual assertions based on record.*

7 *I have heard learned counsel for the parties and have gone through the records of the case.*

8 *Without commenting on the merits of the case and considering the incarceration suffered by the petitioner and*

the fact that he has clean antecedents and there is till date nothing on record that can link the alleged recovery of Rs.4,00,000/- with the drug, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.*
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.*
- (iii) The petitioner shall not absent himself on any date before the trial.*
- (iv) The petitioner shall not commit any offence similar to the one alleged in the present case.*
- (v) The petitioner shall deposit his passport, if any with the trial Court.*
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.*
- (vii) The petitioner shall not in any manner try to delay the trial.*

9 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case. ”

5 Learned State counsel is not in a position to dispute the aforementioned factual assertions based on record.

6 I have heard learned counsel for the parties and have gone through the records of the case.

7 Without commenting on the merits of the case by granting parity with co-accused and considering the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned. However, in addition to

conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.*
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.*
- (iii) The petitioner shall not absent himself on any date before the trial.*
- (iv) The petitioner shall not commit any offence similar to the one alleged in the present case.*
- (v) The petitioner shall deposit his passport, if any with the trial Court.*
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.*
- (vii) The petitioner shall not in any manner try to delay the trial.*

8 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.”

in CRM-M No.43106 of 2023

“1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.154 dated 22.09.2022 registered under Sections 21/25/29 of NDPS Act at Police Station City Jalalabad, District Fazilka.

2 As per the case of the prosecution *ruqa* was received on the basis of secret information and FIR was registered on the basis thereof which reads as under :-

“ informant gave the information to me INSP/SHO that Gurnam Singh son of Mangal Singh son of Karan Singh resident of Jhugo Kishor Singh Wale, Police Station Mamdot, Raj Singh alias Raju son of Dyal Singh resident of Dhanni Bachar. Singh Dakhli Chakk Khiwa and Gurwinder Singh alias Ginda son of Jeet Singh resident of Dhanni, Bachan Singh Dakhlic Chakk, Khiwa are riding on one motor cycle Bajaj CT-100, which are holding the talks with the persons residents of Pakistan and are inviting Heroine

at very huge level and other more anti country material from Pakistan and they are selling it in the various villages and in the City Jalalabad to the customers and that now also, they have invited the Heroine in very huge quantity from Pakistan through India- Pakistan Border, across from the fencing wire and has sold to the unknown persons riding in the vehicle Innova Car bearing Number HR-22-Q- 4037. If the barricading may be installed at FF Road and then the Heroine in the very huge quantity and the cash currency can be recovered from them.”

3 Custody certificate has been filed. The same is taken on record.

4 It is claimed that on the basis of information FIR was registered. Gurnam Singh was arrested by the police party riding motor cycle with currency notes worth Rs.52,74,700/- which is stated to be drug money. In his disclosure statement he claimed that 23 packets of heroin were obtained by accused Gurwinder Singh @ Ginda, Gurdeep Singh, Raj Singh @ Raju through cross border transit from Pakistan and the said 22 packets were got loaded in Car Innova bearing RC No.HR-22Q-4037. One packet was handed over to Gurdeep Singh and his wife Mamta Rani, the sister of Gurnam Singh. On the disclosure made by Mamta Rani, 1 kg 65 grams of heroin was recovered concealed in the fields belonging to Gurdeep Singh. The link of the petitioner to the offence is that the said Innova car belongs to the petitioner who was confined in custody in two other matters at Central Jail, Faridkot.

5 Learned counsel for the petitioner submits that keeping in view the fact that the admitted case of the prosecution is that on the fateful day the petitioner was confined in Central Jail, Faridkot, thus it is highly improbable that the petitioner was party to the alleged offence. The petitioner is behind bars since 26.09.2022 in the present case and has suffered incarceration for more than 11 months & 16 days. She further submits that so far as the other cases pending against the petitioner are concerned, the petitioner already stands admitted to bail in FIR No.08/2022, No.06/2022 and FIR No.09/2018. So far as FIR No.87 dated 18.05.2017 is concerned, the petitioner is already before this Court praying for grant of bail and the matter involves non-commercial quantity.

6 Learned State counsel does not dispute that the only link of the petitioner to the present case is ownership of the car which is stated to be involved in the present case on the basis of disclosure made by Grunam Singh. Investigation is complete. Challan already stands presented.

7 I have heard learned counsel for the parties and have gone through the records of the case.

8 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

(i) The petitioner shall not mis-use the liberty granted.

(ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.

(iii) The petitioner shall not absent himself on any date before the trial.

(iv) The petitioner shall not commit any offence similar to the one alleged in the present case.

(v) The petitioner shall deposit his passport, if any with the trial Court.

(vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.

(vii) The petitioner shall not in any manner try to delay the trial.

9 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.”

3. State Counsel is not in posititon to dispute the factual assertions made by counsel for the petitioner based on record.

4. I have heard counsel for the parties and have gone through records of the case.

5. Without commenting on the merits of the case, keeping in view the nature of the allegations and the evidence against the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

6. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any with the trial Court.
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cellphone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

7. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

March 15, 2024			(Pankaj Jain)
Dpr			Judge
	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No