



CRM-M-12325-2024

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

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CRM-M-12325-2024

Date of Decision:- 26.11.2024

Jagpreet Singh @ Jagga

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Nikhil Lohiya, Advocate for
Mr. Vipul Jindal, Advocate for petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

AMARJOT BHATTI, J.

1. Petitioner –Jagpreet Singh @ Jagga has filed present petition under Section 439 of Cr.P.C. for grant of regular bail in FIR No.61 dated 14.07.2021, under Sections 21(c), 27-A, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, Sections 25, 27, & 30 of Arms Act, 1959 and Sections 212, 216, 109 of IPC, 1860, registered at Police Station Khalra, District Tarn Taran.

2. As per facts of the case, Inspector Tarsem Singh and police party was going in connection with routine patrolling and checking. At about 4:00 PM, they were present at Village Marhi Megha turn on main road Bhikhiwind Khalra road. There the investigating officer received secret information that Gursewak Singh, who is a hardcore criminal and many cases are pending against him, he in connivance with his wife Manjinder

Kaur provide shelter to hardcore criminals and on that day two mulla



fashioned youths in the age group of 28-30 years, who were also hardcore criminals, were present in the house with dangerous weapons and were doing business of drugs. It was further informed that Gursewak Singh and his wife Manjinder Kaur also provide weapon to hardcore criminals. Information was given to Sh. Rajbir Singh, PPS, DSP Sub Division Bhikhiwind on phone. Effort was made to join some independent witness from public but nobody joined. Without further delay, investigating officer conducted raid at the house of Gursewak Singh where Gursewak Singh was sitting in the lobby with two mulla fashioned youths. One *Sikh* boy tried to run away. All of them were apprehended with the help of police party. One of the person disclosed his name as Amritpreet Singh @ Amrit, other boy disclosed his name as Jagpreet Singh @ Jagga and third person disclosed his name as Gursewak Singh. Sh. Rajbir Singh, PPS, DSP also reached on the spot. Search was conducted as per rules. On the search of Amritpreet Singh @ Amrit, from his right pocket of lower 300 grams heroin wrapped in a polythene bag was recovered and apart from this one country made pistol 315 bore, one live round loaded in the weapon and 03 live rounds from his bag were recovered. On search of Jagpreet Singh @ Jagga (petitioner), one loaded country made pistol 12 bore was recovered, one live round from the weapon and 03 live rounds of 12 bore from the pocket of his lower were recovered. On the search of Gursewak Singh, one loaded rifle 315 bore No.AB.09-05277 was recovered and on unloading 04 live rounds 315 bore and 05 live rounds from the pocket of his shirt were recovered. It was informed that said weapon was licensed weapon in the name of his wife Manjinder Kaur. During investigation, disclosure statement of present



petitioner Jagpreet Singh @ Jagga was recorded which further led to recovery of 01 kg heroin, one 32 bore pistol and 02 live rounds were recovered.

3. Learned counsel for petitioner argued that co-accused Amritpreet Singh @ Amrit has been granted concession of bail in CRM-M-52742-2022 vide order dated 15.01.2024. Allegations levelled against the petitioner are false. He is behind the bars since the day of his arrest. As per the facts, alleged recovery of 01 kg of heroin along with one 32 bore pistol were recovered from the house of co-accused Gursewak Singh. In fact, petitioner was apprehended by the police on 14.07.2021 at 6:00 AM and their Advocate Heera Singh had sent email to DGP, Punjab Police, DIG, Ferozepur, SSP, Tarn Taran and CM office at about 8:37 AM. Copies of email are Annexure P-3. Reply to said email was received from CM office at 2:13 PM which is Annexure P-4. Advocate Heera Singh had a talk with SHO, Tarsem Singh on phone. No proper procedure was followed for search of the said accused persons. Alleged disclosure statements are not admissible in evidence. Learned counsel for petitioner has relied upon various orders passed by the Coordinate Benches vide which bail was granted in case of recovery of contraband falling in commercial quantity. It is prayed that petitioner is behind the bars since, 14.07.2021. Trial in this case may take some time. Considering the long custody, petitioner may be granted regular bail.

4. Bail petition is opposed by learned counsel representing State. It is argued that in the case in hand there is recovery of contraband i.e. 1 Kg heroin from the petitioner. On the basis of his disclosure statement one 32

bore pistol along with 02 live cartridges of the same bore were also recovered. Even on the day of arrest, a country made pistol 12 bore along with 04 live rounds (cartridges) were recovered from him. Petitioner is a habitual offender. Apart from this case, he is involved in 17 other cases which are detailed as under:-

Sr. No.	FIR		Under Section	Police Station
1.	FIR No.105 dated 02.08.2020		302/148/149/120-B of IPC and 25 of the Arms Act	Harike
2.	FIR No.47 dated 14.03.2019		307/365 of IPC and 25 of the Arms Act	Sadar Patti
3.	FIR No.03 dated 15.05.2018		307/427/148/149 of IPC and 25 of the Arms Act	Zira
4.	FIR No.39 dated 22.04.2016		336/323/452/427/148/149 of IPC	Harike
5.	FIR No.27 dated 04.04.2017		307/148/149 of IPC and 25 of the Arms Act	Sirhali
6.	FIR No.157 dated 15.12.2015		452/336/148/149 of IPC and 25 of the Arms Act	Harike
7.	FIR No.90 dated 22.06.2015		223/224/148/149 of IPC and 25 of the Arms Act	Civil Line Batala
8.	FIR No.37 dated 22.05.2012		307/324/323/341/427/148/149 of IPC	Harike
9.	FIR No.60 dated 20.06.2011		326/324/427/148/149 of IPC	Harike
10.	FIR No.05 dated 04.01.2019		336/506/341/148/149 of IPC and 25 of the Arms Act	Harike
11.	FIR No.20 dated 02.03.2017		379/506/338/295/148/149 of IPC	Harike
12.	FIR No.111 dated 20.11.2016		307/324/148/149 of IPC and 25 of the Arms Act	Harike
13.	FIR No.48 dated 01.05.2016		307/148/149 of IPC and 25 of the Arms Act	Harike
14.	FIR No.01 dated 07.01.2016		336/447/506/427/148/149 of IPC and 25 of the Arms Act	Harike
15.	FIR No.35 dated 10.03.2015		354/34 of IPC	Harike
16.	FIR No.76 dated 07.09.2013		307/324/323/148/149 of IPC and 25 of the Arms Act	Harike
17.	FIR No.67 dated 04.07.2011		326/325/323/148/149 of IPC	Harike

Therefore, considering the stringent provisions of Section 37 of Narcotic Drugs and Psychotropic Substances Act, 1985 as well as his antecedents, petitioner is not entitled to be released on regular bail.

5. I have considered the arguments and have gone through the record carefully. In the case in hand, raid was conducted by Inspector Tarsem Singh and the police party on 14.07.2021 on the basis of secret information and from the house of co-accused Gursewak Singh, he along with two accused Amritpreet Singh @ Amrit and Jagpreet Singh@Jagga (present petitioner) were arrested. From the present petitioner, country made pistol loaded with one live round and 03 live rounds from his pocket were recovered. Later on during investigation his disclosure statement was recorded which is Annexure P-11 and on his identification of spot in the house of Gursewak Singh, 01 Kg. of heroin and one pistol 32 bore along with 02 live rounds of the same bore were recovered. Said recovery memo is Annexure P-12. As detailed in the FIR, recoveries were also effected from the co-accused. In the case in hand there is recovery of 01 Kg. heroin which falls in commercial quantity. On competition of investigation, challan against present petitioner and co-accused was presented on 11.07.2022. Chargesheet has been framed on 11.10.2022 and till date 07 prosecution witnesses have been examined. Therefore, trial in this case is going at a reasonable pace. Considering the huge recovery of contraband i.e. 01 kg. of heroin falling in commercial quantity and the stringent provisions of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 Act, I do not find a fit case for grant of regular bail and the bail petition is accordingly declined.

26.11.2024

Sunil Devi

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No