



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

CRM-M No.13765 of 2024 (O&M)
Date of Decision: 17.05.2024

Azad Karan Singh

..... Petitioner

Versus

Union of India
Through Intelligence Officer,
Narcotic Control Bureau, Amritsar

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Ranbir Singh Sekhon, Advocate for the petitioner.

Ms. Puneeta Sethi, Senior Panel Counsel, UoI/NCB
for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in NCB Crime No.3 dated 31.01.2024, under Sections 21, 22, 23, 25, 27-A, 29 & 60 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*), registered at Police Station NCB Amritsar, District Amritsar.

(2) As per allegations of the prosecution, 04.369 Kg. *Heroin*; 0.968 Kg. of Methamphetamine along with 01 pistol, 01 magazine, 04 live rounds,



01 Aactiva Scooter bearing registration No.PB-02-DP-5408 & Rs.68,500/- in cash at BOP-Kahangarh, 144 Bn, BSF, Amritsar was recovered from the main accused-Darshan Singh.

Against the petitioner, it is alleged that he had paid drug money of Rs.68,500/- (in cash), apart from providing Aactiva Scooter bearing registration No.PB-02-DP-5408 to the co-accused Gursimran Singh.

(3) Contends that petitioner is not named in the FIR/NCB Crime; rather he was nominated on the basis of disclosure made by co-accused Gursimran Singh. Also contends that there is no other criminal case pending against him and petitioner is ready to join the investigation.

(4) *Per contra*, learned Counsel for NCB opposed the prayer while submitting that four accused, namely, Darshan Singh, Vijay Pal Singh, Gursimran Singh & Dhoni Singh were apprehended and from whom, recovery of alleged contraband (commercial quantity) along with other intoxicating material was effected. Also submits that during investigation, co-accused Gursimran Singh (who is a cousin of petitioner) suffered disclosure regarding his complicity to the effect that “Aactiva”, which was recovered from them, belongs to mother of present petitioner. Further submits that matter is still under investigation; thus, his custodial interrogation is required.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) As on today, *prima facie*, there is sufficient material with the prosecution regarding complicity of petitioner and moreover, investigation in the matter is going on. Therefore, in view of the provisions of Section 37



of the NDPS Act, this Court is not inclined to accept the prayer for pre-arrest bail.

- (7) Hence, there is no option except to dismiss the petition.
- (8) Ordered accordingly.
- (9) The above observations may not be construed as an expression of opinion on merits of the case.
- (10) Pending application(s), if any, shall also stand disposed off.

17th May, 2024
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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>