

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-15085-2024
Decided on: 10.04.2024

Rekha Arora

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Ravisha Mahajan, Advocate for
Mr. Vikas Bali, Advocate for the petitioner.

Mr. Jasdeep Singh Gill, Addl. AG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
430	05.12.2023	Faridkot, District Faridkot	21(b) of NDPS Act and 42, 52A of Prison Act 1894 (Sections 29/61/85 of NDPS Act and Section 7 of Prevention of Corruption Act and Sections 177 & 179 of PC Act added lateron)

1. The petitioner apprehending arrest in the FIR captioned above, has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide order dated 22.03.2024, this Court had granted interim bail to the petitioner and the said order is continuing till date. On 04.04.2024, when the matter was taken up petitioner’s counsel on behalf of the petitioner submitted that he would demonstrate his honesty by voluntarily declaring his assets as well as of his spouse.
3. Petitioner’s counsel submits that he has complied with the previous order dated 04.04.2024 and voluntarily handed over the affidavit to the investigator. He further submits that they shall not take such declaration as self incriminatory and violation of Article 20/21 of Constitution of India or any other fundamental right/law. 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. Counsel further submits that custodial interrogation and pre-trial incarceration would cause an

irreversible injustice to the petitioner and family.

4. Counsel for the State does not dispute the above said contention but opposes the bail.

5. Prosecution's case is being taken from the reply dated 03.04.2024, which reads as follows:-

"4. That facts relevant for proper adjudication of the instant petition are that on 4-12-2023 at 11-15 PM, Jail authorities conducted a search operation in the cells of Block-8 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 who was confined in Cell No. 4 and was a hard core criminal, already indulged in a number of criminal cases involving serious offences. The intimation was dispatched to the Police Station City Faridkot vide Letter NO. 14026/ASUT dated: 05-12-2023 by Assistant Supdt, Central Jail, Faridkot and investigation was pressed into service.

5. 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.

6. 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 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.

7. 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 through Head warden Rajdeep Singh s/o Malkiat Singh r/o Har Raipur, Distt: Bathinda and payment was made to Sham Lal's wife Sunita Rani through Google pay no. 98886- 86525 and at his instance, Sunita Rani further deposit this payment to Rajdeep Singh-Warden. On the basis of accurate inputs, wife of prisoner Sham Lal namely Sunita Rani and Warden Rajdeep Singh 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.

8. That on 16-12-2023, prime accused Anoop Singh during interrogation had disclosed that he was purchasing the Heroin from his contact Karan and payment was made to him on his Google pay no. 96469-59283 and this Heroin reached to him in Jail through Warden Rajdeep Singh.

9. That accused Rajdeep Singh-Warden who was apprehended by investigation agency on 14-12-2023 during interrogation had also admitted that he used to take supply of Heroin from connections of Jail inmates and bring it to him after an interval of 10/10 days and was getting Rs. 60000/- for supply of each consignment. Accused Rajdeep Singh had suffered a disclosure statement u / s * 27 Evidence Act that he received total Rs. 180,000/- 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, Accused Rajdeep Singh had got recovered the jewellery from his house on 17-12-2023.

10. That during the course of investigation on 18-12-2023, the statement of account no. 50100036643700 which belongs to accused Rajdeep Singh was obtained and perused, which transpired that the Rajdeep Singh 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 frequent called with accused Rajdeep Singh on his mobile no. 9530160273.

11. That accused Anoop Singh who disclosed the name of Karan Arora and claimed to provide his correct address but the address given by caused Anoop Singh was incorrect and misinformation was given intentionally so enhancement of offence u/s 177, 179 IPC was made against Anoop Singh vide DDR No 32 dt. 18-12-2023. However the deep investigation into the connections of accused Anoop Singh with said Karan Arora, police obtained bank account statement of Karan Arora's wife Rekha Arora-present petitioner. The Statement of account no. 50100660203254 was examined which transpired a number of transactions of several lakhs of rupees were made through this account with in a short span of 11-09-2023 to 13-12-2023. The debit side of his account was showing total transactions of Rs. 38,48,370-96 and total credit entries were amount of Rs. 38,55,972/-. Finding strong inputs against petitioner, she has been nominated as additional accused vide DDR No. 31 dated: 04-01-2024.

12. That in compliance of order dated: 22-3-2024, present petitioner was joined in investigation and released on bail bonds. The secret investigation as to the complicity of petitioner transpired that the petitioner is a link between the jail inmates and drug suppliers and charging Rs. 500/- per each monetary transaction through her bank account. To deeply investigation as to the drug nexus active in Punjab and operating through Jails, custodial interrogation of the present petitioner is essentially required. Thus petitioner does not deserve the concession of pre-arrest bail."

6. I have heard counsel for the parties and gone through the petition.

7. Considering the amount involved and petitioner's conduct of voluntarily declaring assets, petitioner makes out a case for anticipatory bail and it is neither a case of custodial investigation nor pre-trial incarceration.

8. Given above, petition is allowed and interim order dated 22.03.2024 is made absolute. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

10.04.2024
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Whether speaking/reasoned:	Yes
Whether reportable:	No.