



IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision : July 04, 2024

1. CRM-M-19387-2024

Navdeep Kaur @ Dipi	Petitioner
VERSUS	
State of Punjab and others	Respondents

2. CRM-M-26044-2024

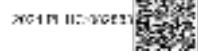
Navdeep Kaur @ Dipi	Petitioner
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CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Siddharth Gupta, Advocate, for the petitioner
Mr. Sahil R. Bakshi, AAG, Punjab

KULDEEP TIWARI, J. (ORAL)

- Through this common order, both the aforesaid petitions are being disposed of, as the same are arising out of one, and the same FIR No. 0035 dated 22.3.2024, under Section 21 of the NDPS Act, registered at Police Station City 1, Sangrur, District Sangrur.
- In CRM-M-19387-2024, filed under Section 482 of the Cr.P.C., prayer has been made for issuance of directions to the official respondents to hand over the investigation of the FIR (*supra*) to some senior police official, not below the rank of S.S.P. of some other district, and for taking stern action against respondents no. 8 to 11.
- In CRM-M-26044-2024, filed under Section 439 Cr.P.C.,

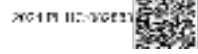


prayer has been made for grant of regular bail in case FIR (*supra*).

4. The prosecution agency was set into motion on a complaint made by ASI Prem Singh. The study survey of the FIR reflects that it is a case of chance recovery, where two ladies Harpreet Kaur, and the present petitioner, Navdeep Kaur were apprehended, carrying 705 grams of white powder which was subsequently found to be heroin, and drug money of Rs 29,500/- was also recovered.

5. Learned counsel for the petitioner in asking for the relief of regular bail, submits that it is a case of total false plantation as the petitioner was arrested on dated 21.3.2024 at 6.15 PM at Sunami Gate, Sangrur, by Constable Sandeep, and other officials in civil dress, and was taken into private vehicle, and thereupon at 7.15 PM on the same day, she was taken to CIA Staff, Bahadur Singh Wala, Ladha Kothi, Sangrur. Prior to that, she was taken to the house of the petitioner, and an amount of Rs 2 lacs, which was kept in the house, for the purposes of marriage of the petitioner, was taken away by that official concerned. He further submits that in view of the false implication and the highhandedness of the police officials, the petitioner was propelled to approach this Court by filing CRM-M-19387-2024, wherein, the Coordinate Bench after considering the submissions made by the learned counsel for the petitioner, passed the following order on 22.04.2024:-

"The prayer in the present petition under



Section 482 Cr.P.C. is for issuance of appropriate directions to the respondents No.1 to 3 to hand over the investigation of FIR No.0035 dated 22.03.2024 under Section 21 of the NDPS Act, Police Station City 1 Sangrur, District Sangrur, to some senior police official.

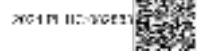
The learned counsel for the petitioner contends that the petitioner was picked up from Sunami Gate Market, Sangrur at 06.15 p.m. on 21.03.2024 by a police party including respondent No. 10 in his private Swift car. Thereafter, she was taken to her home from where a sum of Rs.2 lacs which were kept in her house for her marriage which was to take place on 24.02.2024, were taken by the police party. She was, thereafter, taken to Police Station CIA Staff, Bahadur Singh Wala, Ladha Kothi, Sangrur, District Sangrur on the same evening at about 7.15 p.m.. However, her arrest has been shown on the next day, i.e. 22.03.2024 with the allegations that she was found in the company of another lady with 705 gm of heroin/chitta.

Notice of motion for 10.05.2024.

In the meantime, all the CCTV footages of the cameras installed at CIA Staff, Bahadur Singh Wala, Lahda Kothi, Sangrur, District Sangrur be preserved from 5.00 p.m. dated 21.03.2024 till 12.00 p.m. dated 22.03.2024.”

6. Learned counsel for the petitioner also submits that in deference to the order passed by the Coordinate Bench, CCTV footage of the CIA staff was preserved. However, one CCTV footage out of four CCTV footages installed in CIA was found to be dis-functioning. He in addition submits that this is one of the suspicion circumstances, which establish the case of the petitioner.

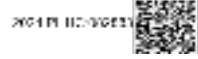
He over and above submits that in fact the petitioner was taken from



the back door, and in the status report, it has not been disclosed that which camera was not working. He finally placed reliance upon one photograph of CCTV footage, as collected by the relative of the petitioner, from the nearby shopkeeper, alleged to be of the date 21.3.2024, to say that it reflects that in fact the petitioner was arrested a day prior, to the date, as claimed by the police official.

7. This Court has examined the respective submissions of the counsel for the parties concerned.

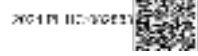
8. The Coordinate Bench in CRM-M-19387-2024, vide order dated 22.4.2024 directed the DGP, Punjab to constitute an SIT of a senior officers. The Director Bureau of Investigation, Punjab, Chandigarh vide his office order No. 3329-36/Crime/INV./L.A.-1 dated 20.6.2024, had constituted a Special Investigation Team (SIT) comprising of Sh. Mandeep Singh Sidhu, IPS, DIG, IRB (Chairman), Mr. Yogesh Kumar PPS, Superintendent of Police (Inv.), Patiala (Member) and Sh. Sukhdev Singh, PPS, Deputy Superintendent of Police (Headquarters), Patiala (Member), for conducting the investigation in the present matter. During investigation conducted by the SIT, the father, brother and sister of the petitioner were joined in the investigation, and the pen drive containing nine different video clips produced by Simranjit Kaur were also examined. The police officials who are part of the investigation, were also joined the investigation and their respective statements were recorded, and CDRs of those police officials including Senior



Constable Hardeep Dass were obtained for the relevant period, and perused, and the CCTV footage of the cameras installed at CIA staff was also preserved in compliance to the order issued on 10.5.2024, commencing from 5.00 PM on dated 21.3.2024, to 12.00 PM on dated 22.3.2024. In addition, the SIT also inspected the alleged place of occurrence, where the petitioner alleged to have been arrested, one day prior to the arrest, and a secret investigation, in and around the area of of occurrence place was also conducted by the SIT. One Jagdish Rai, who is running general/grocery (Karyana) store, Nand Lal Ahuja, Parkash Cloth House, Harish an electrician, and Tarsem Pal, who run shop under the name of Krishna Footwear, and other people of market area were associated in the investigation, and their statements were also recorded.

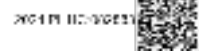
9. After conducting the thorough investigation, with regard to the allegations, as levelled by the petitioner, the SIT found that the petitioner was never picket up on dated 21.3.2024 at 6.15 PM, as alleged by the petitioner. The relevant part of the reply filed in CRM-M-19387-2024 is read as under:-

"11. That so far as the allegations of petitioner that she along with her sister Lakhwinder Kaur alias Lakho were picked up forcibly from the area of Sunami Gate, Sangrur on 21.03.2024 at around 6.15 p.m. by the police officials of CIA Staff Sangrur and thereafter implicated falsely in the present case/FIR no. 0035 (supra) are concerned, it is submitted that out of the 9 video clips contained in pen drive produced by Simranjit Kaur sister in law (Bhabhi) of petitioner to prove her



said allegations (perused in her presence), 3rd, 5th and 7th video clips was not found related with the alleged facts of the present case.. Rest of the six video clips also could not reveal either the number of said white coloured swift car or the identity of the persons visible in the said video clips. Similarly, neither the alleged place from which the petitioner claims herself to be picked illegally could be established nor the occurrence i.e. arguments taken place between the said police officials and petitioner and the gathering of shopkeepers on the spot, could be proved from the said video clips.

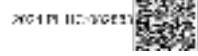
12. *That furthermore, the source of said video clips was also not proved as the petitioner party has been claiming that they have procured said video footage from Jagdish Rai who runs general/grocery (Karyana) store and Nand Lal Ahuja Parkash Cloth House, in the area of Sunami Gate, Sangrur whereas the said persons have denied having CCTV footage of the cameras installed in their shop premises for the period of 21.03.2024 both in their statements recorded earlier before the Ld. Sessions Court, Sangrur pursuant to application filed by petitioner for preservation of CCTV footage of cameras installed in their shop premises for the relevant date as well as now before the SIT. Besides, no such facts have come on record from the statements of aforesaid Jagdish Rai, Nand Lal Ahuja, Harish and Tarsem Pal, who works in the said area market. Moreover, as per the statement of Incharge, CIA Staff, Sangrur no official in the name of Pardeep Singh was posted with the CIA Staff, Sangrur at that time and the call locations of respondent nos. 9 and Sr. Constable Hardeep Das are of different places for the relevant time. As such the allegations of the petitioner that she along with her sister Lakhwinder Kaur alias*



Lakho was picked up illegally on 21.03.2024 at around 6.15 p.m. from the area of Sunami Gate Sangrur were not proved during investigation conducted by SIT.

13. That similarly so far as allegations of the petitioner that the respondent nos. 9 to 11 have illegally removed cash amount of Rs. 2.00 lacs from her house on 21.03.2024 are concerned, it is submitted that during investigation conducted by SIT and in the allegations levelled in the petition the petitioner Navdeep Kaur alias Dipi has alleged that the said raid has taken place at around 7.00 p.m. on 21.03.2024 and at that time both her sister in law namely Simranjit Kaur and mother Shinder Kaur were present at their house and her sister Lakhwinder Kaur alias Lakho (who was brought forcibly by the police officials along with her) was also left behind by the said police officials at her house at that time. However, as per the statement recorded by Simranjit Kaur with SIT at the relevant time she was alone at home and her sister in law Lakhwinder Kaur alias Lakho has also returned back home around 9.00 p.m. on 21.03.2024. Likewise, as per the statement of Ninder Singh, father of present petitioner recorded with SIT his daughter in law Simranjit Kaur had told him that the police officials who had raided their house on 21.03.2024 at around 7.00 p.m. had come there in civil dress. Whereas, Simranjit Kaur in her statement had recorded that the said police officials were in police dress and she has come to know their names from the name plates they were wearing. As such the story put forth by the petitioner and her family members was not found probable by the SIT.

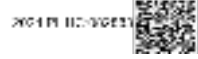
14. That furthermore, as per the CCTV footage of the cameras installed at CIA Staff Sangrur the petitioner was not found brought there on 21.03.2024 and her presence is visible along with the police party on



22.03.2024 at around 5.11 p.m. which is as per record. Besides, no complaint was found made by the petitioner or her family members at any earlier point of time with any senior police officer or at the time of her production before the Ld. Court of Competent Jurisdiction in this regard. Similarly, the complaint received from one Jaswant Singh alias Sethi resident of Kaithal Haryana on 22.03.2024 as regards illegal picking up co-accused Harpreet Kaur on 21.03.2024 at around 2 p.m. by 3-4 police officials from her house was also not acted upon by Ld. Sessions Court, Sangrur for un-availability of his mobile number and proper address and in her statement got recorded with Chief Judicial Magistrate, Sangrur on 27.03.2024 the co-accused Harpreet Kaur has admitted that she was arrested by the police in the present matter on 22.03.2024.”

10. This Court has examined the allegations and counter allegations levelled by the petitioner. Since report of the SIT has been received which has been constituted under the directions passed by this Court, and which thoroughly investigated the allegations made by the petitioner, and also found that all the allegations levelled by the petitioner are, in fact, incorrect/false.

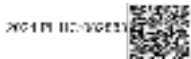
11. The perusal of the FIR reflects that the instant case was registered against the accused petitioner, and co-accused Harpreet Kaur for chance recovery of 705 grams of contraband heroin (chitta) along with Rs. 29,500/- and one silver coloured weighing scale, from the transparent polythene kept in open black coloured polythene placed on grey coloured Honda Activa scooter No. PB-13-AZ-4559



by the police party headed by respondent no. 8, in the area of minor canal bridge BBMB Grid, Sangrur on 22.03.2024 at around 10.45 a.m. and subsequently on the same day i.e. 22.03.2024, on the basis of investigation made from co-accused Harpreet Kaur, name of Amardeep Shekhawat and Baljinder Singh were nominated as co-accused persons in the present matter on the allegations that co-accused Harpreet Kaur had procured contraband recovered i.e. 705 grams of heroin (chitta) from co-accused Baljinder Singh on instructions from co-accused Amardeep Shekhawat, and offence u/s 29 of NDPS Act, 1985 was added in the array of sections. Co-accused Baljinder Singh was arrested in the present matter on 24.03.2024. Presently accused petitioner, and co-accused persons Harpreet Kaur and Baljinder Singh are confined in District Jail, Sangrur. However, arrest of co-accused Amardeep Shekhawat could not be made and efforts to arrest him are underway. The FSL report has been received in the present matter. However, the presentation of the final police report u/s 173 Cr.P.C. in the present matter has been stayed by this Court.

12. From the above facts, it is transpired that the recovery effected in the instant case falls within the category of “heavy commercial quantity” i.e. 705 grams of contraband heroin (*chitta*) along with Rs 29,500/- and one sliver coloured weighing scale.

13. Learned State counsel, per contra, also opposed the grant of regular bail to the petitioner on the ground that the petitioner

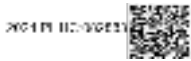


is involved in two other cases of NDPS Act. He further draws the attention of this Court towards the cases registered against the petitioner, and other family members, the list of which is reproduced as under:-

Sr. No	Name of accused	Particulars of FIR	Present status
1	Navdeep Kaur alias Dipi	1. FIR No.0100 dated 30.06.2019 u/s 21 of NDPS Act 1985, P.S. City - 1, Sangrur. 2. FIR No. 147 dated 01.09.2021 u/s 21/29 of NDPS Act 1985, P.S. City, Sangrur.	Convicted on 07.11.2019 Challan presented on 21.06.2022
2	Sandeep alias Raju	1. FIR No. 69 dated 08.04.2019 u/s 22 of NDPS Act, 1985, P.S. City, Sangrur. 2. FIR No. 218 dated 20.08.2015 u/s 22 of NDPS Act, 1985, P.S. City, Sangrur. 3. FIR No. 10 dated 07.01.2015 u/s 15/22 of NDPS Act, 1985, P.S. City, Sangrur. 4. FIR No. 39 dated 13.02.2016 u/s 307 /324 / 323 /148/149 IPC P.S. City, Sangrur.	Challan presented on 14.11.2019 Convicted on 12.07.2017 Convicted on 09.08.2017 Quashed 25.08.2016



3	Sinder Kaur	1. FIR No. 06 dated 06.01.2004 u/s 15 of NDPS Act, 1985, P.S. City, Sangrur. 2. FIR No. 206 dated 11.05.2006 u/s 61 of the Punjab Excise Act, 1914, P.S. City, Sangrur. 3. FIR No. 10 dated 07.01.2015 u/s 15/22 of NDPS Act, 1985 P.S. City, Sangrur. 4. FIR No. 216 dated 12.07.2017 u/s 22 of NDPS Act, 1985, P.S. City, Sangrur. 5. FIR No. 170 dated 20.07.2007 u/s 22 of NDPS Act, 1985, P.S. City, Sangrur. 6. FIR No. 143 dated 13.05.2024 u/s 15 of NDPS Act, 1985, P.S. City, Sangrur. 7. FIR No. 94 dated 28.04.2015 u/s 22 of NDPS Act, 1985, P.S. City, Sangrur. 8. FIR No. 201 dated 29.07.2015 u/s 22 of NDPS Act, 1985, P.S. City, Sangrur.	Convicted on 17.08.2024 Convicted on 03.02.2006 Convicted on 09.08.2017 Convicted on 11.10.2019 Convicted on 06.06.2021 Convicted on 04.03.2015 Convicted on 21.07.2017 Convicted on 07.08.2017
4	Ninder Singh	1. FIR No. 162 dated 08.04.2019 5. u/s 15 of NDPS Act, 1985, P.S. City, Sangrur. 2. FIR No. 151 dated 15.04.2005 2.Convicted on u/s 61 of the Punjab Excise Act, 09.10.2005 1914, P.S. City, Sangrur. 3. FIR No. 10 dated 07.01.2015 3. Convicted on u/s 15/22 of NDPS Act, 1985, 09.08.2017 P.S. City, Sangrur. 4. FIR No. 85 dated 21.04.2008 u/s 15 of NDPS Act, 1985, P.S. Sadar, Sangrur.	Convicted on 06.08.2005 Convicted on 09.10.2005 Convicted on 09.08.2017 Convicted on 05.12.2012



5	Lakhwinder Kaur alias Lakho	1. FIR No. 278 dated 16.07.2011 u/s 15 of NDPS Act, 1985, P.S. City, Sangrur. 2. FIR No. 207 dated 14.07.2013 u/s 15 of NDPS Act, 1985, P.S. City, Sangrur. 3. FIR No. 369 dated 22.11.2013 u/s 15 of NDPS Act, 1985, P.S. City, Sangrur. 4. FIR No 147 dated 20.05.2014 u/s 22 of NDPS Act, 1985, P.S. City, Sangrur. 5. FIR No. 17 dated 11.01.2017 u/s 22 of NDPS Act, 1985, P.S. City, Sangrur. 6. FIR No. 216 dated 12.07.2017 u/s 22 of NDPS Act, 1985, P.S. City, Sangrur. 7. FIR No. 13 dated 22.01.2011 u/s 15 of NDPS Act, 1985, P.S. Sadar, Sangrur. 8. FIR No. 66 dated 30.07.2016 u/s 22 of NDPS Act, 1985, P.S. Sadar Sunam.	Convicted on 06.02.2013 Convicted on 18.04.2015 Convicted on 18.04.2015 Convicted on 05.08.2015 Cancellation re/investigation 09.12.2019 Convicted on 11.10.2019 Convicted on 27.04.2011 Convicted on 02.06.2017
6	Rubina alias Ruby	1. FIR No. 129 dated 22.04.2014 u/s 15 of NDPS Act, 1985, P.S. 3-2015 City, Sangrur. 2. FIR No. 14 dated 17.02.2010 u/s 15 of NDPS Act, 1985, P.S. Ahmedgarh	Convicted on 13.03.2015 Acquitted 05.02.2014

14. Therefore, considering the fact that the recovery effected from the present petitioner, and her co-accused falls within the ambits of commercial quantity, as prescribed under the NDPS Schedule, and that she is also involved in two other cases of NDPS, and having obtained bail in all those cases by flouting the terms and conditions of the bail, she has again committed the same offence. It seems that the petitioner is a habitual offender. Therefore,

considering the antecedents, and the recovery, this Court is not inclined to grant the regular bail to the petitioner, and CRM-M-26044-2024, is hereby **dismissed**.

13. So far as the prayer made by the petitioner for conducting the inquiry from some higher rank officers, has already been complied with, as the Director Bureau of Investigation, Punjab, Chandigarh vide his office order No. 3329-36/Crime/INV./L.A.-1 dated 20.6.2024, had constituted a Special Investigation Team (SIT) comprising of Sh. Mandeep Singh Sidhu, IPS, DIG, IRB (Chairman), Mr. Yogesh Kumar PPS, Superintendent of Police (Inv.), Patiala (Member) and Sh. Sukhdev Singh, PPS, Deputy Superintendent of Police (Headquarters), Patiala (Member), to conclude the investigation, and detailed investigation report Anenxure R-1/T with the status report dated 3.7.2024, has been filed. Therefore, no further direction is required to be issued in CRM-M-19387-2024, and the same is hereby **disposed of**, accordingly.

14. However, in case the petitioner still has any grievance with the investigation conducted by the SIT concerned, she is at liberty to raise such plea before the learned trial court concerned at appropriate stage by making appropriate motion.

July 04, 2024

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(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No