



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

CRM-M No.20142 of 2024
Date of decision: 16th October, 2024

Baljinder Singh @ Roshan
... Petitioner

Versus

State of Punjab
... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Malkiat S. Hundal, Advocates for the petitioner.
Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. This is the second petition filed by the petitioner seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.26 dated 23.08.2023 under Sections 25 of the Arms Act, 1959, section 120 of the IPC and Section 21/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Special Operation Cell, District Amritsar.

2. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the instant case. It is contended that no recovery of any contraband or drug money was made from the petitioner, and the only recovery affected was of 26 mobile hand-sets. A prayer has been made, therefore, for the grant of bail to the

petitioner, who has been in custody since 30.08.2023, more so when there is no likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted on instructions, that a secret information was received regarding the involvement of four persons in the illegal sale and purchase of arms and ammunition, along with drug trafficking. Acting on this information, the police set up a barricade, apprehending three co-accused of the petitioner at the spot and recovering arms from them. The co-accused, Prince and Manpreet Singh made disclosure statements leading to a raid at a house, where another co-accused, Amit, was apprehended along with 280 grams of Heroin, arms and ammunition. During the investigation, further disclosure statements made by the co-accused, resulted in the arrest of some more individuals, from whom further recoveries of arms and ammunition were made.

4. Learned State counsel has submitted that it was further revealed during interrogation of the co-accused and investigation that the petitioner was the master-mind orchestrating the illegal smuggling operations in the area, with connections across the border, as evidenced by the analysis of his phone records. Learned State counsel has also emphasized that the petitioner has previously been involved in 6 criminal cases, 5 of which are under the NDPS Act, clearly indicating his active involvement in drug smuggling. Learned State counsel, in support, has placed on record the custody certificate of the petitioner, wherein the factum of his involvement in various criminal cases clearly

stands reflected. Additionally, it has been argued by the learned State counsel that the petitioner is a habitual offender, who has evidently misused the bail granted to him in previous cases by becoming involved in the present case. There is, thus, a strong likelihood that if he is granted bail, the petitioner may again engage in drug trafficking, tamper with evidence, or even abscond during the trial, given his connections with smugglers across the border.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Prima facie, there are serious allegations against the petitioner, who comes across as a habitual offender. The chargesheet has already been filed, and charges have been framed, hence, there is every likelihood that the trial would not take much time to conclude. Furthermore, it also needs to be noted that the previous bail petition filed by the petitioner was dismissed as withdrawn, after arguments on 21.02.2024, and since then, the learned counsel for the petitioner has been unable to demonstrate any material change in circumstances to justify the acceptance of the instant petition. Accordingly, the petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

October 16, 2024
rps

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