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

CRM-M-25488-2024**Date of Decision: 12.11.2024**

Inderjeet Singh alias Malli

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Rajiv Kumar Saini, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.16 dated 06.05.2022 registered under Sections 21, 25, 27-A, 29 of NDPS Act and Sections 24, 54, 59 of Arms Act, at Police Station State Special Operation Cell, Amritsar, District Intelligence Wing.

2. The FIR in the present case was registered on the basis of the statement made by SI Jagdeep Singh and the same has been reproduced below:-

“The SHO, Police Station State Special Operation Cell, Amritsar, Jai Hind, today the police party including me SI is riding in the government vehicle along with the mobile computer van in the search area for the bad men. Manawala, Police Station Lopoke District Amritsar was present when a special informant came and informed that Hardeep Singh son of Baj Singh resident of village Chak Misri Khan Amritsar had formed an international smuggling gang which was in contact with the notorious smugglers of Pakistan. The consignments of heroin are procured



legally from Pakistani wire and then supplied to different cities of Punjab and India. That today Hardeep Singh is coming towards them on his motorcycle Splendor No. PB14-7104 black in color to deliver a large consignment of heroin to a party can be controlled with large amounts of heroin. As the said report is true and actionable, it was brought to the notice of the officers, who, along with Sub Inspector Harpreet Singh, Traffic Inspector Inderdeep Singh and other colleagues, had already searched the area for the search of the bad guy with the mobile computer van in government vehicles. Regarding the information received from non-residents, instructions were given accordingly to take action and the senior officers have been charged by Bala Man SI under 21, 25, 29 NDPS Act by hand writing HC Barinder Singh No. 2672 /INT is sent to Police Station SSOC Amritsar to register the case. The case number should be filed and a special report should be issued and the control room should be notified. Area Manawala, Police Station Lopoke District Amritsar. Time at 6.10 pm Correct/-SI Jagdeep Singh.”

3. Learned counsel for the petitioner contends that the FIR was initially registered in the present case on the basis of the secret information against Hardeep Singh and Hardeep Singh was apprehended with 2 Kg of Heroin and Rs.7 Lakhs as drug money. During the course of investigation, Hardeep Singh suffered a disclosure statement and Rajinder Kumar and Jagjit Singh were arrested on the basis of the same. Subsequently, on the strength of the statement made by Rajinder Kumar, the petitioner was also arrested in the present case on 17.06.2023. Learned counsel further contends that the petitioner is in custody for the last 01 year and 05 months and no witness has been examined so far. He further contends that in the present case, no recovery was



effected from the petitioner and his further custody will not serve any meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is a habitual offender and is facing 6 more criminal cases. He further contends that the petitioner had close relations with drug smugglers and he does not deserve any leniency from the Court.

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

6. In the present case, no doubt, six more FIRs were ordered to be registered against the petitioner, but the same cannot be denied the concession of bail in the present case only on the ground that the petitioner has been able to make out a case for grant of bail in the facts and circumstances of the present case. The reliance can be placed on the law laid down by the Hon'ble Supreme Court in the matter of "***Prabhakar Tewari Vs. State of U.P., and another***" 2020(1) R.C.R. (Criminal) 831 wherein, it has been held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of "***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another***" 2012(1) R.C.R. (Criminal) 586. In the present case, initially Hardeep Singh was arrested with 2 kg of Heroin and Rs.7 lakhs as drug money and on his statement, Rajinder Kumar was further arrested and certain recoveries were made from him. The petitioner has been nominated as an accused only on the basis of the statement suffered by Rajinder Kumar in police custody and no



recovery was effected from him. The petitioner is stated to be in custody for the last 01 year and 05 months. Moreover, his case is clearly distinguishable from the case of Hardeep Singh, Rajinder Kumar, Jagjit Singh and Jashandeep Singh.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.



(viii) The petitioner shall report every 1st Monday in English calander month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday to the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

12.11.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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