



CRM-M-28365-2024

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

CRM-M-28365-2024
Decided on : 15.10.2024

Amit Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vinod K. Kaushal, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

In compliance of order dated 23.09.2024, status report by way of an affidavit of DSP, State Special Operation Cell, Amritsar filed on behalf of respondent-State in Court today, is taken on record subject to all just exceptions.

Main case

1. This is the second petition filed by the petitioner seeking concession of regular bail in case FIR No.26 dated 23.08.2023 under Sections 109, 115, 120 IPC and Section 25 of Arms Act (Section 109 and 115 IPC deleted later on and Sections 21/25/29 of NDPS Act added later on) registered at Police Station State Special Operations Cell, District Intelligence Wing (CID) Amritsar.

2. On 12.08.2024, learned counsel for the petitioner had made the following submissions:



“Learned counsel for the petitioner submits that even though the petitioner was arrested on 23.08.2023 and thereafter, challan was presented on 19.02.2024, however, till date, charges have not been framed and hence, on this ground alone, he deserves to be extended the concession of bail. It has further been submitted that a false recovery of some arms and ammunition has been shown from the petitioner. Learned counsel has submitted that pursuant to a secret information allegedly received by the State Special Operations Cell, District Intelligence Wing (CID), Amritsar, four persons were arrested and interrogated. Those four persons, during investigation, stated that some narcotic substance was lying in a particular house. When that particular house was raided by the police, the petitioner was found to be present there. Learned counsel submits that in the circumstances, the petitioner could not be linked to the alleged network qua which the police had received secret information. Learned counsel has submitted that the petitioner has no other criminal antecedents, which lends credence to his false implication in the present case.”

3. Per contra, learned State counsel has drawn the attention of this Court to para 3 of its reply by submitting that the petitioner was apprehended from Kothi No.1328, Block B, New Amritsar, which was being used as a safe house for smuggling heroin and engaging in other criminal activities, both by the petitioner and his co-accused. It has been further submitted that, at the time of the petitioner's



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apprehension, 4 live cartridges of .32 bore, 2 mobile phone, Iphone 13 and Iphone 5S with mobile No.7986677454 and 8968355210 respectively were recovered from the petitioner. Subsequent search of the premises led to the recovery of 01 pistol of .30 Bore and 5 live cartridges, 280 grams of heroin, 08 lighters, packing material of heroin and electronic scale and documents from the almirah placed in the living room of the house. The search was conducted in full compliance of mandatory provisions of Section 50 of NDPS Act and recovery was made in the presence of Gazetted Officer.

4. Learned State counsel has further submitted that the petitioner is an active member of a criminal gang headed by one Jodhbir Singh. The investigation has yielded substantial incriminating material indicating the petitioner's continuous contact with the said co-accused. It has been further submitted by learned State counsel that the petitioner's close association with co-accused Jodhbir Singh was confirmed through technical analysis of the mobile phones as well as the CDRs used by both the petitioner and Jodhbir Singh. It has also been submitted that co-accused Jodhbir Singh is absconding and evading arrest. Given these circumstances, there is, therefore, a strong likelihood that the petitioner, if granted regular bail would abscond.

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

6. *Prima facie*, there are serious allegations against the



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petitioner, suggesting his involvement in a smuggling network with cross-border operations. The petitioner is an accused of playing an active role as a facilitator in drug smuggling activities. Considering the gravity of the allegations and the recoveries made from the petitioner, this Court is not inclined to extend the concession of bail at this stage, especially since the charges have yet to be framed.

7. Accordingly, the instant 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.

15.10.2024
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(MANJARI NEHRU KAUL)
JUDGE

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