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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30465-2024 (O & M)
Date of decision: 24.07.2024

Gobind Singh
.... Petitioner

V/s

Union of India
...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. J.S. Dadwal, Advocate,
for the petitioner.

Dr. Anju Sharma, APP, for
U.T., Chandigarh-respondent.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case NCB Crime No.06 dated 15.04.2024 under Sections 8, 18, 23 and 29 of the NDPS Act, 1985 registered at Police Station, NCB Chandigarh.

2. The brief facts of the case are that on 15.04.2024, secret information was received by the NCB that a suspected parcel had been booked by one Naseeb Singh and it was likely to contain some narcotic substance. The officials of NCB went to the office of DHL, Ludhiana and on the search of the parcel 0.438 kgs. of opium was found to be concealed in hockey sticks which were to be sent by Naseeb Singh to Satinder Singh



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that the parcels had been forwarded to Dolphin Agency. Sanjeev Jain of Dolphin Agency, Raikot, got recorded a statement under Section 67 of the NDPS Act and provided CCTV footage. Gobind Singh (petitioner) was issued a notice under Section 67 of the NDPS Act and he suffered his voluntary statement that the seized opium was sent by him and was supplied by Gurcharan Singh. Gobind Singh was arrested on 17.04.2024. Gurcharan Singh in his statement under Section 67 of the NDPS Act admitted the fact that the opium had been sent by him and the parcel was booked by him at a Courier facility at Raikot. He disclosed that one Amritpal Dhaliwal wanted to send the courier at Canada on the address of Satinder Singh Grewal. The hockey sticks had been delivered by Amritpal Dhaliwal. He (Gurcharan Singh) had given them to Naseeb Singh and had sent him to meet Munshi Gobind Singh at Police Station Raikot. Naseeb Singh was sent a notice under Section 67 of the NDPS Act, who had admitted that he had sent the seized opium and booked a parcel at Courier facility, Raikot. During the course of the investigation, the statements of Sanjeev Jain (owner of the Courier shop) and Navdeep Singh (worker) were recorded wherein they identified Naseeb Singh and Gobind Singh as the persons who had booked the parcel. As per CDRs of the accused including Gobind Singh (petitioner) were in touch with each other.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It was Naseeb Singh who had sent parcel from his I.D. and the presence of the petitioner was only shown at the place and he was unaware of any act and conduct of Naseeb Singh. Be that as it may, the alleged recovery was of 0.438 kgs. of



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opium which fell under the non-commercial category. As the petitioner was in custody since 17.04.2024, he was entitled to the concession of bail.

4. The learned counsel for the respondent-NCB, on the other hand, has filed a reply dated 05.07.2024 by way of affidavit of Karamvir Singh IO, NCB, Chandigarh which is taken on record. While referring to the said reply, she contends that during the course of investigation, it was revealed that all the accused including the petitioner were in touch with each other on their mobile phones. Sanjeev Jain, owner of Dolphin Agency provided a CCTV footage alongwith 65-D Certificate in respect of the parcels. His statement was recorded under Section 164 Cr.P.C. wherein he duly identified the petitioner and Naseeb Singh. In fact, Amritpal Dhaliwal had sent the address of the person to whom the parcel was to be sent at Canada to Gurcharan Singh on his mobile phone. Gurcharan Singh forwarded this address to Gobind Singh on his mobile phone and thereafter, Gobind Singh and Naseeb Singh had gone to the Courier shop to book a courier. It was Gobind Singh who had shown the same address to the owner of the shop from where the parcel was booked for it to be sent to Canada. It was apparent that the petitioner who was a member of a disciplined force being a police official was one of the main accused and was very well aware that he was taking a part in an illegal activity. Therefore, even though the recovery was of a non-commercial quantity of contraband, the nature of the allegations against the petitioner coupled with his conduct that he was a Government servant did not entitle him to the concession as prayed for.

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



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6. A perusal of the record would indeed reveal that the recovery is of a non-commercial quantity of a contraband. However, the culpability of the petitioner who is a member of a disciplined force is writ large. The protector has become the perpetrator. Not only was he actively involved with all the other accused but the address of the person to whom the parcel was to be sent in Canada was sent on his mobile phone. Later, he alongwith Naseeb Singh had gone and had booked the courier which was to be sent to Canada. Sanjeev Jain, the owner of the Courier shop had identified the petitioner and Naseeb Singh and the CCTV footage bears testimony to that fact. Therefore, the offence stands *prima facie* established.

7. In view of the above, I find no merit in the present petition. Therefore, the same stands dismissed.

8. However, the Trial Court is directed to conclude the Trial as expeditiously as possible but, in any case, not later than 06 months from the next date fixed before it.

(JASJIT SINGH BEDI)
JUDGE

July 24, 2024
sukhpreet

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