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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-30144-2024 (O&M)
Date of decision: 27.08.2024

Sahib Singh @ Sabu @ Harpreet Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. L. M. Gulati, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in FIR No. 298 dated 31.12.2023, registered under Sections 21, 21-C, 23, 25, 27-A and 29 of the NDPS Act, 1985 and Sections 25, 6, 7, 8 of the Arms Act, 1959 at Police Station Islamabad, District Amritsar.
2. Brief facts of the case relevant for the disposal of the present petition are that on 31.12.2023, on receipt of a secret information that co-accused Sandeep Singh @ Laddi was in connection with big drug smugglers and on that day they were bringing consignments of heroin and illegal arms from the smugglers of Pakistan through the Indo-Pak border and that aforesaid Sandeep Singh and one Roshan Singh were waiting for

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someone at the backside of the market in front of Guru Nanak Dev University in a car bearing registration number PB-06-BB-4064 in order to supply them heroin and illegal weapons, a raid was conducted and co-accused Sandeep Singh and Roshan Singh were apprehended by the raiding police party and the recovery of 19 Kgs. of heroin and one 9 MM pistol loaded with 06 live cartridges and one country made pistol of .32 bore loaded with 06 live cartridges was effected from them. They were arrested at the spot. During the course of investigation, on the basis of the disclosure statement of co-accused Sandeep Singh @ Laddi, three more pistols with 32 live cartridges and an amount of Rs. 15,00,000/- were recovered from his rented accommodation. Further, on the basis of the disclosure statement suffered by co-accused Roshan Singh, two pistols with 12 live cartridges and an amount of Rs. 8,00,000/- were recovered. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by co-accused Sandeep Singh @ Laddi on 05.01.2023, wherein he stated that the petitioner used to take 500 grams of heroin from him after every 10 days. The petitioner was also arrested on 27.03.2024. During investigation, he disclosed that he used to take 500 grams of heroin from co-accused Sandeep Singh @ Laddi after every 8-10 days and used to sell the same to others and drug proceeds used to be given to Sandeep Singh @ Laddi. The investigation is still going on. The petitioner had moved an application for grant of regular bail before the Court of learned Judge, Special Court, Amritsar but the same had been dismissed, vide order dated 04.06.2024.

3. Learned counsel for the petitioner has argued that the petitioner he has been falsely implicated in this case. He has been nominated in this

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case on the disclosure statement suffered by the co-accused, which is not admissible in evidence. The petitioner was not found present at the spot. The petitioner has no connection with the aforesaid co-accused or with the alleged recovery effected from them. He is a youth, aged about 22 years. The petitioner is in judicial custody since 27.03.2024. *Challan* has not yet been presented. The trial will take a long time to conclude. No useful purpose would be served by keeping the petitioner in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail.

4. *Per contra*, learned State counsel, in terms of the status report, which is available on record, has vehemently opposed the prayer of the petitioner. He has argued that a commercial quantity of the contraband has been recovered from the co-accused, apart from several illegal weapons and live cartridges. Even a sum of Rs. 23,00,000/- has been recovered from aforesaid co-accused. The petitioner has been nominated in this case on the disclosure statement suffered by co-accused Sandeep Singh @ Laddi with the allegations that he used to take 500 grams of heroin from him and after selling the same to others, he used to give back the drug proceeds to co-accused Sandeep Singh @ Laddi. The complicity of the petitioner in the subject offences has been *prima facie* established during the course of investigation. There are serious and specific allegations against the petitioner. He is involved in four more FIRs, out of which, one case is under the NDPS Act. Since a commercial quantity of the contraband and illegal pistols and live cartridges have been recovered from the co-accused, therefore, in the aid of Section 29 of the NDPS Act, the rigors of Section 37

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of the NDPS Act would also be attracted against the petitioner and he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

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

6. As per the allegations, the petitioner has been nominated in this case on the basis of the disclosure statement suffered by co-accused Sandeep Singh @ Laddi. The allegations against the petitioner are that he used to work as a selling agent for the co-accused as he used to take 500 grams of heroin after every 8-10 days and after selling the same, he used to give back the drug money to the co-accused. A perusal of the status report reveals that the co-accused and the present petitioner are part of a big smuggling gang, which is operating through Indo-Pak border. Apart from a sum of Rs.23,00,000/-, several illegal weapons and live cartridges have been recovered from the co-accused. Not only the present petitioner but 21 other persons have also been nominated as accused in this case on the basis of the disclosure statements made by the co-accused and out of them, 10 co-accused have since been arrested and 11 co-accused are yet to be arrested. There are serious and specific allegations against the petitioner. Therefore, keeping in view the gravity of allegations as levelled against the petitioner, the recovery made by the co-accused, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that he does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is dismissed.

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7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

27.08.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No