



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CRM-M-31099-2024
Date of Decision : 14.10.2024

JAGTAR SINGH @ KARI Petitioner

VERSUS
STATE OF PUNJAB Respondent

2. CRM-M-35382-2024

DEEPU @ HARDEEP SHARMA AND ANR Petitioners

VERSUS
STATE OF PUNJAB Respondent

3. CRM-M-36993-2024

LALI SINGH Petitioner

VERSUS
STATE OF PUNJAB Respondent

CORAM: HON’BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Tanvir Singh Grewal, Advocate for the petitioner(s)
in CRM-M-31099-2024 and 35382-2024.

Mr. Kanwaljeet Singh, Advocate for the petitioner(s)
in CRM-M-36993-2024.

Mr. Randhir Singh Thind, DAG, Punjab.

KIRTI SINGH, J.(Oral)

This common judgment shall decide the aforementioned petitions, as they stem from the same First Information Report (FIR) No.83, dated 10.06.2024, under Sections 15, 25 and 29 of the NDPS Act, 1985 (Section 29 of the NDPS Act added later on) registered at Police Station Lehra, District Sangrur (Punjab).



2. Apprehending their arrest the petitioners have filed these petitions under Section 438 Cr.P.C./482 of Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of anticipatory bail in abovesaid FIR.

3. The succinct factual narrative relevant for the disposal of the instant petition is that on 10.06.2024 , the police officials on the basis of secret information raided a motor room in the fields of one Kuldeep Singh, where the suspects were found to be loading plastic bags into a Brezza car. After apprehending the accused, a search was conducted under the supervision of DSP Parminder Singh. The search yielded 29 plastic bags containing a total of 710 kgs of poppy husk/pods. The three accused were arrested on the spot, and the case property, including the poppy husk and the vehicle, was taken into possession by the police.

4. Subsequently, the applications filed by the petitioners for anticipatory bail under Section 438 of the Cr.P.C. were dismissed by the Court of the Learned Judge, Special Court, Sangrur, vide orders dated 26.06.2024 and 17.07.2024.

5. Learned counsel for the petitioners *inter alia* submits that as per the prosecution version co-accused Gurjit Singh, Satgur Singh and Kuldeep Sharma were apprehended on 10.06.2024 and 710 Kgs of poppy husk was recovered from them and the said accused were taken into custody. Later on, Kuldeep Sharma was declared innocent by the investigating agency. Furthermore, on 14.06.2024, four days after the registration of the FIR, the petitioners were nominated as accused. He further submits that no incriminating evidence has come forth connecting the petitioners to the

alleged recovery and the petitioners are not involved in the present case.



6. Learned State counsel while referring to status report dated 21.09.2024 has vehemently opposed the petitions and submits that in view of the serious allegations, the petitioners are not entitled to the concession of anticipatory bail. He submits that on June 11, 2024, substantial evidence was collected when the accused Gurjeet Singh @ Bhura Fauji, Satgur Singh, and Kuldeep Sharma were apprehended with 710 Kgs of poppy husk, which were sealed and presented before the learned trial Court. The Court ordered sample extraction, which was subsequently sent to the Forensic Science Laboratory (FSL) for analysis. The FSL report dated 09.07.2024, confirmed the presence of narcotic substances, including Meconic acid and Morphine, thus identifying the contents as poppy pods. During the investigation, accused Gurjeet Singh disclosed that he was in constant touch with Mustak, a resident of Neemach (M.P.), regarding the procurement of poppy husk. He detailed that on June 8, 2024, he, along with Satgur Singh and Kuldeep Singh, ordered poppy husk from Neemach, which was delivered in a truck. The transaction involved a cash exchange of ₹5,00,000, with further sales of the substance to various individuals, including **Deepu and Gurpal Singh** (petitioners in CRM-M-35382-2024), who were identified as customers. Further co-accused Kuldeep suffered a disclosure and nominated **Lali Singh** (petitioner in CRM-M-36993-2024) as co-accused in the case. Call detail records revealed that between June 1 and June 10, 2024, 37 calls were made between accused **Jagtar Singh @ Kari** (petitioner in CRM-M-31099-2024) and Satgur Singh, further establishing the petitioner's complicity in the drug trafficking operation. While one of the accused, Kuldeep Sharma, was declared innocent after an investigation, the remaining seven accused, including Jag-



tar Singh, have been arrested or have joined the investigation. Jagtar Singh's involvement is particularly evident, as he admitted to taking 10 kg of poppy husk from Kuldeep Singh for personal use on the request of Satgur Singh. Moreover, the petitioner has another FIR registered against him under the NDPS Act, indicating a history of similar offenses.

7. Heard the rivals submissions made by learned counsel for the parties and have perused the relevant records.

8. The Hon'ble Supreme Court in the case of ***State of Haryana Versus Samarth Kumar*** (supra), held as under:-

“4. The High Court decided to grant pre-arrest bail to the respondents on the only ground that no recovery was effected from the respondents and that they had been implicated only on the basis of the disclosure statement of the main accused Dinesh Kumar. Therefore, reliance was placed by the High Court in the majority judgment of this Court in Tofan Singh v. State of Tamil Nadu reported in (2021) 4 SCC 1 .

5. But, it is contended by the learned Additional Advocate General appearing on behalf of the State of Haryana that on the basis of the anticipatory bail granted to the respondents, the Special Court was constrained to grant regular bail even to the main accused-Dinesh Kumar and he jumped bail. Fortunately, the main accused-Dinesh Kumar has again been apprehended. According to the learned Additional Advocate General, the respondent in the second of these appeals is also a habitual offender.

6. Learned counsel appearing on behalf of the respondent in the first of these Appeals contends that the State is guilty of suppression of the vital fact that the respondent was granted regular bail after the charge-sheet was filed and that therefore, nothing survives in the appeal. But, we do not agree.



7. The order of the Special Court granting regular bail to the respondents shows that the said order was passed in pursuance of the anticipatory bail granted by the High Court. Therefore, the same cannot be a ground to hold that the present appeals have become infructuous.

8. In cases of this nature, the respondents may be able to take advantage of the decision in Tofan Singh v. State of Tamil Nadu (supra), perhaps at the time of arguing the regular bail application or at the time of final hearing after conclusion of the trial.

9. To grant anticipatory bail in a case of this nature is not really warranted. Therefore, we are of the view that the High Court fell into an error in granting anticipatory bail to the respondents.

10. In view of the above, the appeals are allowed. The impugned orders are set-aside. As a consequence, the Appellant-State is entitled to take steps, in accordance with law’.”

[emphasis supplied]

9. This Court in the case of ***Gurpreet Singh Versus State of Punjab, CRM-M-44196-2022, decided on 23.09.2022*** had dismissed the anticipatory bail petition of an accused who had been named in a disclosure statement of the arrested accused. An SLP No.9680/2022 was preferred against the said order and the said SLP was dismissed by the Hon'ble Supreme Court vide order dated 07.11.2022.

10. After a perusal of the case in hand, it appears that petitioners are habitual offender and involved in several other cases of similar nature and as such their custodial interrogation is required to avoid hampering of investigation and to prevent inducement or threat to witnesses.



11. Keeping in view the totality of the facts and the submissions made hereinabove, it is evident that there are serious allegations against the petitioners. Accordingly, this Court is of the view that to unearth the true dimensions of the alleged crime, the police requires the custodial interrogation of the petitioners in this case, hence, the petitioners do not deserve the concession of anticipatory bail at this stage.

12. Dismissed.

(KIRTI SINGH)
JUDGE

14.10.2024
Kavita

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No