

2024:PHHC:119699



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

286

CRM-M-31425-2024 (O&M)
Date of decision: 11.09.2024

Harpreet Singh @ Happy ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Tarun Vir Singh Lehal, 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. 11 dated 09.03.2024, registered under Sections 21(C), 29 and 27-A of the NDPS Act, 1985, Section 25 of the Arms Act, 1959 and Sections 10,11, 12 of the Aircraft Act, 1934 at Police Station Dorangla, District Gurdaspur.
2. Brief facts of the case relevant for the disposal of the present petition are that on 09.03.2024, a secret information was received that Gurjeet Singh @ Kalu and Satnam Singh are indulged in the business of smuggling of heroin and on that day, they were coming from Amritsar to Gurdaspur in a car bearing registration number PB-02-CP7100. The aforesaid persons were apprehended by the police party by laying a naka. On enquiry, the driver of car disclosed his name as 'Gurjeet Singh', whereas the other person disclosed his name as 'Satnam Singh'. On search, one pistol and four live cartridges were recovered from Gurjeet Singh and from Satnam Singh, 405 grams of heroin was

2024:PHHC:119699



recovered. During investigation, at the instance of aforesaid accused, the drugs money of Rs. 50,000/- each was recovered from them and one drone was also recovered from accused Satnam Singh. Accused Satnam Singh suffered disclosure statement that he was called by one Padda to reach at Indian Oil Petrol Pump, Shahpur Goraya, where they met three persons, who reached there in a car, which was driven by the petitioner. The two other persons were Harmeet Singh and Joban. He further disclosed that they all went towards the border, where they sent their location to a mobile number of Pakistan and found a packet at that location, which was containing pistols, magazines and live cartridges. The petitioner was nominated even in the disclosure statement of accused Gurjeet Singh, wherein he disclosed that they had picked up 04 kgs. of heroin at the instance of Padda on 13.02.2024, which they had delivered to Padda at his house in Meerat, U.P and consignment was procured through drone and they further delivered the same to Harpreet Singh, Jodh and Dhillon. The petitioner was arrested on 12.03.2024 and drug money of Rs.2,00,000/- was recovered from him. After completion of necessary investigation and usual formalities, challan under Section 173 of Cr.P.C. was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforesaid mentioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 27.05.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The petitioner was nominated in this case on the basis of the disclosure statements suffered by aforesaid co-accused, which is not admissible in evidence. A false recovery of drug money of Rs.2,00,000/- has

2024:PHHC:119699



been planted upon him. The story put forth by the police party is concocted one. The petitioner is in custody since 12.03.2024. Investigation has since been completed and *challan* has been presented. Conclusion of trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that though the petitioner has been nominated in this case on the basis of the disclosure statements made by aforesaid co-accused, however, during the course of investigation, his complicity in the commission of subject offences has been established. The petitioner along with co-accused had received the consignment of drug and illegal weapons, which was delivered there through a drone. Not only the illegal arms and ammunition but a commercial quantity of heroin was recovered in this case. The petitioner is a habitual offender as he is involved in one more FIR under the NDPS Act. Hence, the rigors of Section 37 of the NDPS Act would be attracted against him. Trial may be expedited. It is also argued that if the petitioner is released on bail, he may abscond or indulge in similar offences. It is, thus, argued that the petition is liable to be dismissed.

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

6. The petitioner was apprehended by the police party on 12.03.2024 in pursuance of the disclosure statements made by aforesaid co-accused. The allegations against the petitioner are that he along with co-accused had gone towards the border in a car, which was driven by him, where they had received consignment of the contraband and several illegal arms and ammunition.

Recovery of 405 grams of heroin was effected in this case, which falls under the

2024:PHHC:119699



commercial quantity. The petitioner is shown to be involved in one more FIR under the NDPS Act. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against him. The petitioner is stated to be a part of a gang which is involved in cross border smuggling of drugs and illegal arms and ammunition. The allegations against the petitioner are quite serious in nature. Although, the petitioner has placed on record some documents to show that the drug money shown to have been recovered from him was in fact withdrawn by his father from his account, however, this plea cannot be looked into by this Court at this stage while deciding a petition seeking grant of regular bail as the same can be decided only by the trial Court after assessing and evaluating the entire material placed on record during trial. There is nothing on record to show that there would be any undue delay in conclusion of trial. Keeping in view the discussion as made above, the quantity of recovered contraband, the antecedents of the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

11.09.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No