

2024:PHHC:135811



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

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CRM-M-33059-2024 (O&M)
Date of decision: 16.10.2024

Lovepreet Singh @ Love ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Amit Arora, 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. 45 dated 24.04.2024, registered under Sections 21(c) and 29 of the NDPS Act, 1985, and Sections 10, 11, 12 of the Aircraft Act, 1934 at Police Station Khalra, District Tarn Taran.
2. Brief facts of the case relevant for the disposal of the present petition are that on 24.04.2024, a secret information was received by a police party headed by Inspector Vinod Sharma that Rana Singh, petitioner Lovepreet Singh and Arshdeep Singh, residents of village Dal, were having links with Pakistani smugglers and they were receiving heroin from Pakistani smugglers through drone. Believing the secret information to be true, a search operation was launched and when the police party was going towards village Mari Kamboke, three young persons were seen coming on

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foot, out of them, two persons were holding a drone in their hands and the third person was holding a yellow packet. The police party tried to apprehend them. However, two persons succeeded in running away from the spot by throwing the drone on ground, whereas one person was apprehended. On interrogation, he disclosed his name as Rana Singh. He was formally arrested at the spot and recovery of 03 kgs. 166 grams of heroin, was effected from him. During investigation, the aforesaid co-accused disclosed that the two persons, who ran away from the spot, were Arshdeep Singh and Lovepreet Singh i.e. the present petitioner. Subsequently, the petitioner was arrested on 28.04.2024. After completion of necessary investigation and usual formalities, challan 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 learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 11.06.2024.

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. No recovery has been effected from the petitioner. Investigation has since been completed and *challan* has been presented. Conclusion of trial is likely to take time. The petitioner is in custody since 28.04.2024. 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 the petitioner

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has been nominated in this case not only on the basis of the disclosure statement suffered by the aforesaid co-accused but he was also named by the secret informer and when the co-accused was apprehended by the police party, he along with co-accused Arshdeep Singh succeeded in running away from the spot. The allegations against the petitioner are quite serious as he is involved in smuggling of drugs from Pakistan through drone. Since a commercial quantity of contraband has been recovered, the rigors of Section 37 of the NDPS Act would be attracted in this case. 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. As per the allegations, the police party, on receiving a secret information that the petitioner and aforesaid two co-accused were indulged in smuggling of drugs, had tried to apprehend them. However, co-accused Arshdeep Singh and the petitioner succeeded in running away from the spot, whereas co-accused Rana Singh was apprehended by the police party and recovery of 03 kgs. 166 grams of heroin was recovered from him. The petitioner and Arshdeep Singh were also nominated in the disclosure statement of co-accused Rana Singh as the persons, who fled away from the spot. The allegations against the petitioner are that he is indulged in smuggling of heroin from Pakistan through drone, which are quite serious in nature. He is a member of the gang, which is involved in cross border

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smuggling. The submission of learned State counsel that if the petitioner is released on bail, he may abscond or indulge in similar offences, cannot be stated to be unfounded. There is nothing on record to suggest that there would be any undue delay in conclusion of trial. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the above discussed 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.

16.10.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No