

2024:PHHC:172466

215

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34612-2024 (O&M)

Date of decision: 17.12.2024

BACHITTAR SINGH @ DOCTOR

...PETITIONER

Versus

STATE OF PUNJAB

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J.

1. **Relief sought:**

The jurisdiction of this Court has been invoked for grant of anticipatory bail to the petitioner in the case bearing FIR No.05, dated 17.01.2024, Annexure P-1, under Section 21/25/59 of the Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station Special Operations Cell, Amritsar, Punjab.

2. **Prosecution case:**

SHO, P.S. State Special Operation Cell, Amritsar, Jai Hind.
Today, I SI alongwith ASI Satnam Singh 5/115, HC Harpal Singh 5/675 and CT Simrandeep Singh 5/710 on official car with laptop and printer, were present on patrolling duty in search of suspicious and bad persons near Dana Mandi, Village Basarke, area of Police Station

Khalra, Distt. Tarn Taran, where a secret informer came present and informed that Inderjit Singh son of Sukhjinder Singh, resident of Kalsian Khurd, P.S.Khalra, Distt. Tarn Taran, a known heroin smuggler, who is also involved in other NDPS FIRs, has been released from jail around 1 year back, who in collusion with some other unknown associates has made an international heroin smuggling ring. He on different dates alongwith the Indo-Pak border fencing of Amarkot Sector, Khemkaran, Distt. Tarn Taran, obtains consignments of heroin and further supplies them. The secret informer informed that the above Inderjit Singh alongwith his associate Bachitr Singh @ Doctor, R/o Rajoke, P.S. Khalra, Distt. Tarn Taran, has obtained a large consignment of heroin from near the Indo-Pak border fencing area Sector Amarkot, Distt. Tarn Taran, and is prsnt in the area of Rajoke, alongwith the consignment of heroin in his car mark Brezza (Temp No.T-0523-HR-9329) Colour Grey who have to further deliver the consignment of heroin to some party. If search is conducted in time in a planned manner after cordoning off the above area, then the above mentioned persons can be apprehended with a large quantity of heroin. Since the above information seem to be true and deserving cognizance, I SI immediately informed higher officials who gave directions to Inspector Inderdeep Singh who was accompanied by SI Jagjeet Singh 5/72, SI Shivraj Singh 9/242, ASI Gagandeep Singh 5/2046, ASI Gurbir Singh 5/2016, HC Ramandeep Singh 9/31, CT Rawant Kumar 9/2009, CT Amritpal Singh 5/419 and CT Satnam Singh 2803/INT, all on official car alongwith mobile computer van, who were already going towards Bhikhiwind area, Distt. Tarn Taran for preventing drug use and search of bad elements, to reach the spot for further

proceedings. Senior officials also directed me to reach the spot along with my colleagues, hence, I SI prepared ruka against above mentioned Inderjit Singh s/o Sukhjinder Singh R/o Kalsian Khurd, P.S. Khalra, Distt. Tarn Taran and Bachitter Singh @ Doctor, R/o Rajoke, P.S. Khalra, Distt. Tarn Taran, alongwith their unknown associates, U/s 21, 25, 59 NDPS Act, for registration of FIR and sending the same by hand through CT Simrandeep Singh 5/710, P.S. SSOC, Amritsar. Case be registered and I.O. be informed, Special Reports be prepared for Ilaqa Magistrate Sahib and higher officials and be sent for consideration, and Control Room be informed. I SI alongwith colleagues in official care am proceeding to the informed spot. Area near Grain Market, Vill. Basarke, Area of P.S. Khalra, Distt. Tarn Taran, Time 06:00 p.m. Sd/- S.I. Jagdeep Singh 5/423, Counter Intelligence, Amritsar. Dt. 17.01.2024.”

3. **Contentions:**

On behalf of the petitioner:

It is contended by the learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present case. The instant FIR stands registered on the basis of secret information merely on the basis of suspicion because of involvement of petitioner in the previous cases. There is no evidence on record to show that the petitioner fled away from the alleged spot and was seen or spotted by the police officials. Moreover, the petitioner was not present at the alleged place of occurrence as on that day he had gone to drop his mother at Amritsar Railway Station. Further contention is that the Petitioner holds a valid registration as a Chemist and the co-accused

Inderjit Singh would frequently visit the Petitioner's medical shop to purchase medicines for his mother. However, there is no evidence on record suggesting any association or nexus between the petitioner and his co-accused namely Inderjit Singh beyond these transactions, meaning thereby there is no evidence implicating the petitioner in the alleged procurement of contraband. To corroborate the Petitioner's credentials, a certified photocopy of Drug License is attached with the present petition as Annexure P-2.

On behalf of the Respondent-State:

Learned State counsel prays for dismissal of the instant petition stating that the petitioner is a drug peddler being already involved in three other cases of similar nature and he was having links with the main accused Inderjit Singh, who is involved in smuggling of heroin. Thus, keeping in view the active involvement of the petitioner being drug peddler in smuggling of heroin, the present petition is liable to be dismissed.

4. Heard learned counsel for the respective parties.

5. **Analysis:**

The present FIR stands registered against drug smuggler namely Inderjit Singh and his accomplices including the present petitioner on the allegations that they have created an international gang promoting heroin smuggling. They have received a huge consignment of heroin through drone from India Pakistan fencing area. Undoubtedly, the name of the petitioner is not there in the FIR because the secret informer disclosed the name of that person whom he had seen travelling in the car (bearing Temp. No. T-0523-HR-9329). At the time

of arrest of Inderjit Singh, he was travelling in the above mentioned car and as per secret information, 01 kg. heroin was also recovered from the car, therefore, the secret information proved to be correct, which resulted into recovery of the contraband. During interrogation, accused Inderjit Singh had disclosed the name of the present petitioner as his participant in the smuggling of the heroin from Pakistan through drone. The petitioner is habitual offender as he is involved in three other cases of similar nature, which is sufficient for this court to infer that he is a drug peddler and is a member of international gang/group involved in procuring transportation and delivering the heroin from International border.

6. Conclusion:

In view of the above discussion, this Court is of the considered view that custodial interrogation of the petitioner is necessary to ascertain the source from where the alleged contraband is being procured. Therefore, the present petition fails and hereby stands dismissed.

(SANDEEP MOUDGIL)
JUDGE

17.12.2024

Poonam Negi

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