

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

Sr. No.213

CRM-M-37307-2024 (O&M)  
Date of decision : 20.08.2024

Yadwinder Singh ..... Petitioner

VERSUS

State of Punjab ..... Respondent

**CORAM: HON’BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Munish Garg, Advocate, for the petitioner.  
Mr. Vinay Kumar, DAG, Punjab.

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**KIRTI SINGH, J. (Oral)**

1. Apprehending arrest in FIR No.0040 dated 08.07.2024, under Sections 20 & 21(a) of NDPS Act, 1985 and Section 52 of Prisons Act, 1894, registered at Police Station Cantt. Bathinda, District Bathinda, the petitioner has preferred this petition under Section 438 Cr.P.C. for grant of pre-arrest bail.
2. Learned counsel for the petitioner *inter alia* submits that the FIR has been lodged on the basis of letter issued by Sikander Singh, Assistant Superintendent, Central Jail, Bathinda with the allegations that on 06.07.2024, the petitioner-Yadwinder Singh visited the Central Jail, for meeting the under trial and he deposited the cloths, slippers in the name of Surinder Singh and medicines in the name of under trial Malkiat Singh. On 08.07.2024, the aforesaid articles were checked by the police

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substance), concealed in the lower part of the slippers, was recovered. On inquiry, Surinder Singh disclosed that he did not know aforesaid Yadwinder Singh. The CCTV cameras were checked and found that aforesaid Yadwinder Singh was interacting with co-accused Malkiat Singh. Accordingly, the present petitioner-Yadwinder Singh was named in the FIR. Apprehending his arrest, the petitioner moved an application before the Court of learned Judge, Special Court, Bathinda seeking anticipatory bail which was dismissed. He further submits that the petitioner was not apprehended at the spot and has been nominated in the present FIR only on the basis of suspicion and there is no material on record to connect the petitioner with the contraband allegedly recovered. It has been further contended that the articles were not checked on the same day and the same were checked after a gap of two days and therefore, there is no evidence that the contraband was planted in the slippers by the present petitioner.

3. In compliance of order dated 02.08.2024, status report has been filed by the learned State counsel in Court today. The same is taken on record. As per status report, it is stated that after registration of the FIR in question, the investigation was carried out. The case property i.e. 38 grams of Sulfa and 4 grams of Chitta-heroin (intoxicating substance) were taken into police possession. During the course of investigation, the CCTV camera footage of Central Jail, Bathinda was checked and verified, wherein, it was found that the petitioner was conversing with co-accused Malkiat Singh, which strengthened the investigation that the

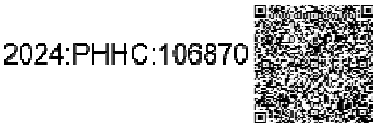
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preplanned the intoxicating substance to be transported by concealing same in aforesaid items in the jail premises by the petitioner. Raids are being conducted to nab the petitioner but he is on the run. Further, on 06.07.2024, the petitioner visited the Central Jail, Bathinda and had deposited the clothes, slippers in the name of Surinder Singh and medicines in the name of co-accused Malkiat Singh and during the inspection of said articles 38 grams of Sulfa and 4 grams of Chitta-heroin (intoxicating substance) were recovered by the CRPF personnel under the sole of slippers. The petitioner was already in contact with co-accused Malkiat Singh through his mobile phone No.76962-27307 and in connivance with co-accused Malkiat Singh, on 06.07.2024, the petitioner had hide the contrabands in the deposit item i.e. slippers. From the Prison Inmate Calling System (PICS) of relevant time period, it was also found that the petitioner was interacting with the detainee co-accused Malkiat Singh.

4. Heard the rival submissions made by learned counsel for the parties.

5. There are serious allegations against the petitioner that he in connivance with co-accused Malkiat Singh has committed serious offences against the State, as they had tried to transport illegal and intoxicating substances into the Central Jail, Bathinda. The custodial interrogation of the petitioner is requisite for conducting a thorough investigation and at this point of time, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory



6. In view of the serious allegations against the petitioner, he is not entitled to the concession of anticipatory bail and the present petition is dismissed.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)  
JUDGE

20.08.2024  
Ramandeep Singh

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|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether Reportable          | Yes/No |