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

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CRM-M-42017-2024 (O&M)
Date of decision: 12.11.2024

Harjeet Singh @ Jeeta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rajiv Kumar Saini, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of BNSS, 2023, 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 and Section 25 of the Arms Act, 1959 at Police Station Dorangla, District Gurdaspur.
2. Brief facts of the case relevant for the disposal of the present petition are that on 09.03.2022, a secret information was received by SI Davinder Kumar that one Gurjeet Singh @ Kalu and Satnam Singh were indulged into smuggling of heroin and on that day, they were coming from Amritsar to Gurdaspur in a car bearing registration number PB-02-CP-7100. Believing the information to be true, a barrier was laid and the aforesaid persons were apprehended by the police party and one pistol and four live cartridges were recovered from co-accused Gurjeet Singh, whereas 405 grams of heroin

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was recovered from co-accused Satnam Singh. They were formally arrested at the spot. During the course of investigation, drug money of Rs.50,000/- each was recovered from them and one drone was also recovered from accused Satnam Singh. They suffered disclosure statements that they were called by one Padda to reach at Indian Oil Petrol Pump, Shahpur Goraya, where they met three persons, who had reached there in a car, which was driven by Harpreet Singh @ Happy. The two other persons were Harmeet Singh and Joban. They 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. Co-accused Harmeet Singh was arrested and he disclosed that as per instructions of the present petitioner, he had delivered two pistols to an unknown person at Dana Mandi, Batala. On the basis of this disclosure, the petitioner was nominated in this case and was taken into custody on the basis of production warrant as he was already in custody in connection with some other case. During interrogation of the petitioner, one mobile phone was recovered from him in Central Jail, Amritsar. Hence, the offence under Section 52 of the Prisons Act was also added. 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 05.08.2024.

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

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not admissible in evidence. No recovery of any contraband has been effected from the petitioner. The story put forth by the police party is concocted one. The petitioner is in custody in this case since 16.03.2024. 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 was involved in the subject crime while in custody, in which, 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 also recovered in this case. The criminal antecedents of the petitioner are not clean as he is already involved in two more criminal cases, out of which, one case has been registered under Section 302 of IPC. 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 taken into custody in this case on 16.03.2024 on production warrant as he was already in custody in connection with other criminal cases. The allegations against the petitioner are that he had actively participated in the commission of subject offences and had instructed co-accused

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Harmeet Singh to deliver two pistols to an unknown person at Batala. Not only a commercial quantity of aforesaid contraband but also several illegal arms and ammunition have been recovered in this case. The petitioner is shown to be involved in two more FIRs, out of which, one FIR is under Section 302 of IPC and the second one is under Sections 379, 411 of IPC, which means his criminal antecedents are not clean. 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. 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 the contraband as well as the arms and ammunition recovered in this case, 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.

12.11.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No