



CRM-M-41525-2024

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(211)

CRM-M-41525-2024
Date of Decision : 05.09.2024

Nitaish Kumar @ Manish Kumar @ Sanju ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rakesh Kumar, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant petition filed under Section 482 of BNSS, 2023, prayer is made for grant of anticipatory bail to the petitioner in case FIR No.23 dated 23.05.2024, under Sections 21, 23 and 29 (Notification No.61) of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 25 of Arms Act, 1959 added later on), registered at Police Station Amir Khas, District Fazilka, Punjab.
2. The FIR in question was registered on a secret information received on 23.05.2024, regarding six persons namely, Baljinder Singh @ Lovely, Sukhchain Singh @ Lucky, Solav Singh, Gurcharan Singh @ Milkha, Karandeep Singh and Kamaldeep Singh, who is alleged to have smuggled heroin from Pakistan, and they are about to send the said heroin further for distribution/selling. Thereupon, the raid was conducted at the house of Baljinder Singh @ Lovely. All the six accused persons were arrested from the



CRM-M-41525-2024

2

spot, when they were about to come out in a Verna car. On checking of accused Baljinder Singh @ Lovely, 40 live cartridges made by Parabellum Pakistan Ordinance Factories, two packets weighing 546 grams heroin each, were also recovered. Thereafter, on checking of said Verna car, two packets of heroin weighing 546 grams and 548 grams respectively were recovered. On search of Sukhchain Singh @ Lucky, two packets of heroin weighing 550 grams and 546 grams were recovered. Solav Singh got recovered one packet of heroin weighing 546 grams, whereas Gurcharan Singh @ Milkha got recovered one packet of heroin weighing 544 grams. Similarly, Karandeep Singh got recovered two packets of heroin weighing 544 grams and 554 grams, respectively. The total quantity of 5kg 470 grams of heroin and 40 live cartridges (Pakistan Ordinance) were recovered from the accused persons. Thereupon, one G.D.R. No.36, dated 23.05.2024 offence under Section 25 of Arms Act, 1959 were also added in the instant FIR. During investigation of co-accused Sukhchain Singh @ Lucky, one Daljit Singh @ Mani was also arrayed as an accused and a separate G.D.R. was recorded and consequently, he was also arrested on 25.05.2024. As per disclosure statement of Sukhchain Singh, drug money of Rs.1,07,000/-, Golden ornaments weighing 8.470 grams, and Silver ornaments weighing 68.970 grams were recovered. During police investigation, Gurcharan Singh @ Milkha also suffered statement that Baljit Singh, resident of village Muhar Jamsher used to smuggle heroin from Pakistan and Gurcharan Singh, baljinder Singh @ Lovely, Sukhchain Singh @ Lucky, Solav Singh and Karandeep Singh came into contact of Baljit Singh and the said four accused along with present petitioner and one Ashok singh @ Goshi, son of Malkit Singh, resident of village Muhar Jamsher used to help in transition of the said contraband. Gurcharan Singh later disclosed that he



CRM-M-41525-2024

3

became familiar with Kuldeep Singh @ Pehalwan son of Jarnail Singh, resident of Khair Dinake (Tarn Taran), who is also indulged in drug trade. He further stated that co-accused Kamaldeep Singh used to collect consignment of contraband from the petitioner and the other aforesaid co-accused. As per the said statement, Baljit Singh, Ashok Singh @ Goshi, Kuldeep Singh @ Pehalwan and the present petitioner were nominated as an accused in the instant FIR vide G.D.R. No.21, dated 27.05.2024. The sample which was drawn from the recovered heroin was found to be positive and the contraband was defined as Diacetylmorphine (heroin).

3. Learned counsel for the petitioner on asking for the relief of pre arrest bail submits that except the disclosure statement, there is nothing with the prosecution to connect him with the present crime. He further submits that all the contraband has already been recovered, therefore, his custodial interrogation is not warranted in this case. He also submits that the petitioner has a dispute with the accused Gurcharan Singh, who has been nominated as an accused on the disclosure statement.

4. This Court has heard the submissions made by learned counsel for the petitioner, but do not find any merit in the submissions (supra). The petitioner is having antecedents of other NDPS case i.e. FIR No.107, dated 13.07.2024 under Section 21 of NDPS Act, 1985 (Sections 23 and 29 NDPS Act added later on) registered at Police Station City, Jalalabad.

5. Reply dated 04.09.2024 by way of affidavit of Mr. Jatinder Singh Gill, PPS, Deputy Superintendent of Police, Sub Division, Jalalabad on behalf of respondent-State of Punjab, filed by learned State counsel today in Court.

The same is taken on record. The role of the petitioner has also been

6.

Considering the above facts, that petitioner is a habitual offender and the fact that the petitioner has not approached this Court with clean hands as in the instant petition, it is specifically mentioned that the petitioner is not involved in any other criminal case, whereas, it is a positive case of the prosecution that he is involved in one more case. Further in the instant matter, huge recovery 5kg. 470 grams of heroin along with live cartridge of Pakistan Ordinance makes the instant offence, a serious one.
7.

In view of the above considering all the facts and circumstances, this Court is not inclined to grant the relief of pre arrest bail to the petitioner. Accordingly, instant petition is **dismissed**.

(KULDEEP TIWARI)

JUDGE

September 05, 2024

Manpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No