



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-42886-2024 (O&M)
Date of Decision:-24.9.2024

Jugraj Singh ... Petitioner

Versus

State of Punjab ..Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Siddharth Atri, AAG, Punjab,
assisted by ASI Gurjinder Singh.

FIR No.	Dated	Police Station	Section/s
30	19.5.2024	State Special Operation Cell, Amritsar	25 of Arms Act, Section 120-B of Indian Penal Code, wherein offence under Section 27-A of NDPS Act was added later on

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of abovementioned FIR.
2. The FIR was lodged pursuant to receipt of secret information by the police to the effect that one Jaswinder Singh @ Kaka has direct links with pakistani smugglers and is getting regular supply of contraband through the use of drones. The secret information was further to the effect that weapons were also being received from across the border. Pursuant to receipt of said information, barricades were laid and that accused Jaswinder Singh @ Kaka was nabbed by the police while he was going on a motorcycle, which did not



bear any registration number. It is the case of prosecution that some pistols, cartridges etc. were also recovered when he was arrested. It is further the case of prosecution that pursuant to disclosure statement made by aforesaid Jaswinder Singh @ Kaka on 22.5.2024, drug money amounting to Rs.50,000/- and 20 live cartridges were also recovered from his house.

3. It is further the case of prosecution that the aforesaid Jaswinder Singh @ Kaka during the course of investigation further revealed his association with Harpal Singh @ Bhallu, Joginder Singh @ Dogar, Mahinder Singh, Gurdev Singh @ Debu, Gautam Partap @ Gannu and petitioner Jugraj Singh S/o Balwant Singh. It is further the case of prosecution that Harpal Singh and Joginder Singh, who were already in custody in connection with some other cases, were produced through production warrants and were formally arrested. Gautam Partap was also arrested by the police and an amount of Rs.17.50 lakhs earned through sale of 'heroin' was recovered apart from mobile phones. On 26.5.2024, a pistol (.32 bore) along with a magazine and 5 live cartridges were recovered from near a tubewell on the disclosure statement of Jaswinder Singh.
4. Reply by of affidavit of Shri Harwinderpal Singh, PPS, Deputy Superintendent of Police, State Special Operation Cell, Amritsar has been filed by learned State counsel, which is taken on record.
5. Learned counsel for the petitioner submits that the petitioner has falsely been nominated in the present case and that while initially, one Jaswinder Singh resident of Tarn Taran had allegedly been nominated by the main accused Jaswinder Singh @ Kaka, but subsequently the investigating agency has



given a twist and the petitioner, who is nowhere named and is actually named as Jugraj Singh, is being nominated as an accused in place of Jaswinder Singh r/o Tarn Taran. Learned counsel further submits that the petitioner has a clean record and is not involved in any other case and as such, he deserve the concession of anticipatory bail.

6. Opposing the petition, learned State counsel submitted that having regard to the fact that the accused are having links across the border and had been smuggling contraband and weapons, no leniency is warranted.
7. This Court has considered rival submissions addressed before this Court.
8. It is apposite to refer to para Nos. 4 to 6 & 8 to 10 of the aforesaid reply filed by the State, which are reproduced hereinunder:-

- “4. That the investigation resulted in the arrest of accused Jaswinder Singh alias Kaka with motorcycle Saplender without registration number, **04 Pistols of 9MM Glock, with 08 Magazines, and 10 live cartridges of 9MM, 01 Mobile phone Samsung, 01 Redmi Mobile and Rs. 530/-**.
5. That on 22.05.2024, on the disclosure of accused Jaswinder Singh alias Kaka, drug money of Rs. 50,000/- earned from the sale of heroin, 20 live cartridges of 9MM were recovered from his house.
6. Therefore, offence u/s 27-A, NDPS Act was added vide DDR No. 25 dated 22.05.2024, with present offences in this case.
8. That during the course of investigation, on 23.05.2024 accused Harpal Singh and Joginder Singh were brought on production warrant from Goindwal jail and formally arrested in this case.
9. That on 25.05.2024 accused Gautam Partap was arrested in this case with **drug money of Rs. 17,50,000/- earned from sale of heroin**, apart of mobile Phones Vivo, I- Phone, Rs. 230/-INR and active Honda No. PB 02CP3343. That Directorate of Enforcement and



Income Tax Department were intimated regarding the recovered drug money in this case.

10. That on 26.05.2024, on the disclosure of arrested accused Jaswinder Singh alias Kaka, 01 Pistol of .32 Bore with magazine and 05 live cartridges were recovered near tubewell at his farm in Village Rajoke Tarn Taran.”
9. A perusal of the aforesaid reply would indicate that no contraband is alleged to have been recovered from the co-accused though huge amount of drug money is alleged to have been recovered from them. In any case, the petitioner apart from the fact that he was nominated on the basis of disclosure statement, otherwise enjoys a clean record and is not stated to be involved in any other case. Under these circumstances, this Court is of the opinion that it is a fit case for grant of anticipatory bail.
10. The instant petition, as such, is accepted and the petitioner, in the event of his arrest, is ordered to be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

24.9.2024

Geeta

(Gurvinder Singh Gill)

Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No