



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.46149 of 2024 (O&M)  
Date of Decision: 02.12.2024

Joginder Singh @ Shammi

..... Petitioner

*Versus*

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present:- Mr. Amit Agnihotri, Advocate for the petitioner.

Mr. S.S.Hira, DAG, Punjab for the respondent.

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**MAHABIR SINGH SINDHU, J.**

Third petition has been filed under Section 483 of the Bharatiya  
Nagarik Suraksha Sanhita, 2023 seeking bail pending trial to the petitioner in  
FIR No.88 dated 28.11.2021 (P-1), under Sections 3, 4, 5 of the Explosive  
Substances Act, 1908; Section 25 of the Arms Act, 1959 & Section 120-B of  
the Indian Penal Code, 1860 (*for short 'IPC'*), registered at Police Station  
Bhaini Mian Khan, District Gurdaspur.

2024.PHHC.160185



(2) Allegations are that petitioner, being part of the racket, used to smuggle explosive material as well as arms and ammunitions from Pakistani smugglers.

(3) Status report by way of an affidavit dated 18.11.2024 of Sh. Kulwant Singh, DSP, Rural, District Gurdaspur has been filed. The same is taken on record. Copy thereof supplied to the opposite side. Registry to tag the affidavit at appropriate place.

(4) Contends that petitioner was not named in the present FIR; rather nominated on the basis of disclosure made by co-accused Raj Singh @ Shindu. Further contends that petitioner has been arrayed as an accused with the aid of Section 120-B, IPC and no incriminating material was recovered by the police during investigation. Lastly contends that there is no evidence on record to indicate the complicity of petitioner and he has been roped being a close relative of co-accused.

(5) *Per contra*, learned State Counsel on instructions opposed the prayer while submitting that petitioner and his co-accused have links with Pakistani smugglers and they are involved in smuggling of drugs, arms and ammunition from them. Further submits that petitioner is a habitual offender inasmuch as he is involved in 31 criminal cases.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) Although, petitioner is stated to be in custody since 09.12.2021; but perusal of para 4 of the affidavit reveals that petitioner is a convict in two

2024.PHHC.160185



NDPS cases and apart that, two more FIRs are still pending under the NDPS Act. Also discernible that in various cases under the Prisons Act, he has been convicted; thus, credentials of the petitioner are not clean.

(8) For reference, details of conviction/pending cases under the NDPS Act as well as Prison Act are as under:-

**CONVICTION**

| <i><b>Sr. No.</b></i> | <i><b>FIR No. &amp; Date</b></i> | <i><b>Under Section(s)</b></i> | <i><b>Police Station(s)</b></i> |
|-----------------------|----------------------------------|--------------------------------|---------------------------------|
| <i><b>1.</b></i>      | <i>23 dated 26.10.2017</i>       | <i>21, 25, 29 NDPS Act</i>     | <i>SSOC, Amritsar</i>           |
| <i><b>2.</b></i>      | <i>146 dated 09.06.2018</i>      | <i>42, 52-A Prison Act</i>     | <i>Gate Hakima, Amritsar</i>    |
| <i><b>3.</b></i>      | <i>28 dated 18.02.2015</i>       | <i>21, 25, 29 NDPS Act</i>     | <i>Sadar, Fazilka</i>           |
| <i><b>4.</b></i>      | <i>54/2019</i>                   | <i>52-A Prison Act</i>         | <i>City, Sangrur</i>            |
| <i><b>5.</b></i>      | <i>58 dated 30.03.2016</i>       | <i>52-A Prison Act</i>         | <i>Shimlapuri</i>               |
| <i><b>6.</b></i>      | <i>69/2019</i>                   | <i>52-A Prison Act</i>         | <i>City-I, Sangrur</i>          |
| <i><b>7.</b></i>      | <i>54/2019</i>                   | <i>52-A Prison Act</i>         | <i>City-I, Sangrur</i>          |

**PENDING**

| <i><b>Sr. No.</b></i> | <i><b>FIR No. &amp; Date</b></i> | <i><b>Under Section(s)</b></i> | <i><b>Police Station(s)</b></i> |
|-----------------------|----------------------------------|--------------------------------|---------------------------------|
| <i><b>1.</b></i>      | <i>115 dated 19.05.2017</i>      | <i>21, 25 NDPS Act</i>         | <i>Sadar, Ferozepur</i>         |
| <i><b>2.</b></i>      | <i>169 dated 17.08.2020</i>      | <i>21 NDPS Act</i>             | <i>Sadar, Ferozepur</i>         |

2024.PHHC.160185



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|----|----------------------|-----------------------------------------------------|-----------------|
| 3. | 108 dated 30.07.2022 | Sections 323, 34<br>IPC; Section 52-A<br>Prison Act | Cantt. Bathinda |
| 4. | 85 dated 01.01.2020  | Section 52-A<br>Prison Act                          | Cantt. Bathinda |
| 5. | 77/2021              | Section 52-A<br>Prison Act                          | Cantt. Bathinda |
| 6. | 65 dated 11.09.2024  | Section 52-A<br>Prison Act                          | Cantt. Bathinda |

(9) In view of the above, no ground is made out to grant him the concession of bail pending trial “at this stage”.

(10) Accordingly, the present petition is dismissed.

(11) The above observations may not be construed as an expression of opinion on merits of the present case in any manner.

Pending application(s), if any, shall also stand disposed off.

2<sup>nd</sup> December, 2024  
Gagan

( MAHABIR SINGH SINDHU )  
JUDGE

|                           |     |
|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether Reportable        | Yes |