

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48166-2024 (O&M)

Date of Decision: 26.09.2024

Jagroop Singh @ Roopa

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Ajay Kumar, Advocate for the petitioner

Mr. Jaspal Singh Guru, AAG Punjab

Sandeep Moudgil, J.

(1). This petition under Sections 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) has been filed by the petitioner seeking anticipatory bail in case FIR No.120 dated 22.07.2024 (Annexure P1) under Sections 21(c) of the Narcotic Drugs and Psychotropic Substance Act, 1985 (in short, the NDPS Act) (Sections 25/27A/29 of the NDPS Act added later on), registered at Police Station Chheharta, District Amritsar.

Facts

(2). Facts as culminating in the FIR is reproduced as under:-

“Today I SI along with ASI Ravinder Singh 2748, ASI Heera Singh 227, HC Ranjodh Singh 2330 were on patrolling in search of wrong people in private vehicle, we were going to Police Station from the Village Kalle, when Police party reached near Natha Wale Baag near to Kapatgarh turn Bipass Chheharta, then near Naatha Wala Baag one Muslim fashionable person was stood, who was holding black color polythene bag in his right hand, who after seeing the police party went ahead, I SI, while taking him under control asked his name and address on the basis of suspicion, on my asking he told his name Sukhdev Singh @ Manga son of Surjeet Singh, resident of Village Kotli Dasonda, Police Station Bhindia Sainda, District Amritsar. Then I SI informed him about my name Jagga Singh and am on duty being

Assistant to the SHO Police Station Chheharta, am in uniform and having name plate on my uniform, I have doubt that you are having intoxicant substance in the black color Polythene bag which is in your hand, for that you are required to search upon and you are having right to get search upon you by Magistrate or Gazetted Officer, I can call them on the spot, on which Sukhdev Singh @ Manga told to SI I want to get search upon me by the Gazetted Officer, upon which SI called from his mobile number 97797-01498 and informed about the situation and make request to reach on the spot to Sh. Sukhpal Singh PPS Assistant Commissioner of Police, West Amritsar on his mobile number 79867-43829. After that SI served notice under section 50 of NDPS ACT, then after some time Sh. Sukhpal Singh PPS, Assistant Commissioner of Police, West Amritsar with gunman reached on spot in Government Vehicle bearing registered no. PB02-CR-2696. After getting awareness about the situation Sh. Sukhpal Singh PPS, Assistant Commissioner of Police, West Amritsar informed to Sukhdev Singh @ Manga son of Surjeet Singh, resident of Village Kotli Dasonda, Police Station Bhindia Sainda, District Amritsar, about rank and posting as Assistant Commissioner of Police, West Amritsar, and informed that he is Gazetted Officer appointed by the Government of Punjab and having the information of intoxicant substance in your possession, for that black color Polythene bag which is in your right hand is required to be search but you have the legal right to get search upon you by any Magistrate or another Gazetted Officer, for that I can call them on spot on which Sukhdev Singh Manga said that I have complete trust on you and you can conduct search on me. After that Sh. Sukhpal Singh, ACP West Amritsar served notice under section 50 of NDPS ACT, thereafter ACP Sir tried best to join the public witness along with the police party involved before conducting the search of black color Polythene bag which was in the right hand of the Sukhdev Singh @Manga, but no one had joined the police party while fearing hostility, due to this ACP Sir, I SI in presence of the other employees conducted the search of the black color Polythene bag, which was in the right hand of Sukhdev Singh @Manga, we opened that black color Polythene bag, which was in his right hand and we found substance registering a case, the number

should be aware of the case. Special report should be issued and sent to the service of the District Magistrate and room be Balataar/Senior officers and control informed. I, SI along with associate employees present at the spot and busy in investigation. Area Nattha Wala Baag, near Kaptgarh Bypass Chheharta, Amritsar, AT 07.50 PM, Correct/-SD-Jagga Singh SI, Police Station Chheharta, Dated and then checked with the Ketamine Detective Kit that substance was Heroin, that recovered Heroin along with Polythene bag was weighed by SI electronic weighing machine and it was 567 Gm. The recovered heroin along with polythene bag was put in a separate plastic box, a parcel was prepared as a case property, ACP Sir put his Stamp SS on parcel and I, SI put stamp JS on parcel, a sample or stamp was prepared separately then I hand over stamp to ASI Ravinder Singh 2748 and ACP Sir kept his stamp with him. I, SI a plastic parcel box containing heroin weighing 567 Gm with stamps SS+JS along with sample stamps was seized by the police as evidence of recovery of heroin. I, SI, on the instruction of ACP Sir, searched upon Sukhdev Singh @Manga and did not find cash etc. from him. Sukhdev Singh @Manga has committed the offence under section 21-C/61/85 of NDPS Act for having the 567 heroin in his possession and above mentioned search and seizure has been video graphed through E- Sakshya App. For that report is written down and that is being sent through HC Ranjodh Singh for 2330 to police station for registering a case. By registering a case, the number should be aware of the case. Special report should be issued and sent to the service of the District Magistrate and room be Balataar/Senior officers and control informed. I, SI along with associate employees present at the spot and busy in investigation. Area Nattha Wala Baag, near Kaptgarh Bypass Chheharta, Amritsar, AT 07.50 PM, Correct/-SD-Jagga Singh SI, Police Station Chheharta, Dated 22.07.2024..."

Submission by the petitioner

(3). Learned counsel for the petitioner contends that 567 grams of heroin was recovered from the co-accused Sukhdev Singh @ Manga who in his disclosure statement named the Dilpreet Singh and Pawandeep Singh, who in

turn suffered a disclosure statement that the drug money to the tune of Rs.12,30,000/- recovered from them was collected from various unknown persons on the asking of the present petitioner and the black colour car make corolla without number was given by the present petitioner to them for the above said purpose. He contends that the name of the petitioner does not figure in the FIR and the co-accused Dilpreet Singh and Pawandeep Singh are not known to the petitioner. It is urged that the petitioner is driver by profession and has no connection with the alleged drug money or the smuggling of drugs as has been disclosed by the co-accused while in police custody.

State's contention

(4). Learned State counsel, on the other hand, contends that the main accused Sukhdev Singh in his statement has stated that he used to order consignments of heroin through drone from Pakistan and drug money was sent to Dilpreet Singh and Pawandeep Singh by following the orders of Pakistani smugglers. It is submitted that the petitioner is actively involved and it is on his direction, drug money is collected from various persons and since there is allegation against the petitioner of having involved in cross-border smuggling, his custodial interrogation is very much required.

Analysis

(5). As per the allegation, co-accused Sukhdev Singh was apprehended with 567 grams of heroin by the police and during his interrogation, the prosecution came to unveil the network involving Dilpreet Singh, Pawandeep Singh and the present petitioner who are actively involved inasmuch as they used to order consignments of contraband through drone from Pakistan and the drug money earned by selling heroin used to be collected by

Dilpreet Singh and Pawandeep Singh on the asking of the petitioner. So much so, an amount of Rs.12,30,000/- was also recovered from their nexus.

(6). Besides, the spreading of the drugs in State of Punjab is becoming day by day a terrible menace which is completely destroying the very fiber of our society being also instrumental in subverting the tender soul of our young generation which is being badly contaminated by such danger in a very alarming provisions calling for severe punishment in case of illegal possession and transportation of drugs meant for personal consumption and eventual trade.

(7). Further dependence can be made upon the judgment of Supreme Court passed in **Hira Singh vs. Union of India, (2020) 20 SCC 272**, wherein it has mandated that the provisions of the NDPS are not to be construed liberally but to ensure effective implementation of rule of law so as to achieve the object of enactment {NDPS} by curbing and stringently deal with nefarious activities/ illegal trafficking in powerful, dangerous and injurious illegal street drugs under the NDPS Act.

(8). This Court while dealing with identical matter in **Charan Singh @ Charanjeet Singh @ Channu vs State Of Punjab (CRM-M-34998-2024)** decided on 24.07.2024 drew grave concern in relation to the problem of drug smuggling and vulnerable drug addicts and the mafia working behind this and while drawing support from Section 35 & 37 of the NDPS Act and rejected the prayer for anticipatory bail of the petitioner therein.

(9). In the light of above and for the reasons and observations of this Court in **Charan Singh @ Charanjeet Singh @ Channu's** case, considering the commercial quantity of the contraband and the huge amount of drug money

recovered from the nexus of the petitioner and the manner in which the *modus operandi* is evident, this petition deserves to be dismissed having no merits. Hence, the same stands dismissed with no order as to costs.

26.09.2024
V.Vishal

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No