



CRM-M-55699-2023 (O&M) and connected cases

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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221 (I) CRM-M-55699-2023 (O&M)  
Date of Decision : July 31, 2024

GURMEET SINGH ALIAS GARRY -PETITIONER

V/S

STATE OF PUNJAB -RESPONDENT

(II) CRM-M-19535-2024

NARPINDER SINGH -PETITIONER

V/S

STATE OF PUNJAB -RESPONDENT

(III) CRM-M-19707-2024

VIKRAM SINGH @ VICKY -PETITIONER

V/S

STATE OF PUNJAB -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Dinesh Trehan, Advocate  
for the petitioner (in CRM-M-55699-2023).

Mr. Ranbir Singh Sekhon, Advocate  
for the petitioner (in CRM-M-19535-2024 and  
CRM-M-19707-2024).

Mr. Sahil R. Bakshi, A.A.G., Punjab.

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KULDEEP TIWARI, J. (ORAL)

1. The amenability of all these petitions for being decided through  
a common verdict originates from them being arising out of a common FIR,  
besides common relief(s) being yearned therein.



2. To be precise, in all these petitions, the petitioners crave for indulgence of this Court for them being enlarged on regular bail, in case FIR No.108 dated 05.06.2023, under Section 21(c)/25/29/61/85 of the N.D.P.S. Act, 1985, registered at P.S. Chheharta, District Police Commissionerate Amritsar.

### **GENESIS OF THE PRESENT FIR**

3. Succinctly stated, the genesis of the present FIR is embodied in a secret information regarding involvement of petitioners' co-accused Hira Singh and Nishan Singh in the trade of heroin. This secret information resulted in 01 kg 750 grams of heroin becoming recovered from petitioners' co-accused (supra).

### **SUBMISSIONS OF LEARNED COUNSELS FOR THE PETITIONERS**

4. The learned counsels for the petitioners, in their asking for the hereinabove extracted relief, have made the following submissions:-

*(i) No contraband has been recovered from the conscious possession of the petitioners, rather they have been falsely implicated in the present FIR;*

*(ii) Except the disclosure statement(s) of petitioners' co-accused, the investigating agency is not seized of any cogent inculpatory evidence, thus indicative of petitioners' involvement in the alleged crime. Even nothing incriminatory has surfaced against the petitioner during their police remand;*

*(iii) In fact, on the date of alleged recovery, petitioner- Vikram Singh @ Vicky was behind the bars, therefore, there was no occasion for him to be involved in transportation of the allegedly*



*recovered contraband;*

*(iv) Petitioners have suffered incarceration of approx. 01 year;*

*(v) Charges have been framed on 02.03.2024 and four prosecution witnesses have been examined so far. Therefore, when trial is not likely to conclude anytime soon, hence keeping the petitioners behind the bars would serve no gainful purpose;*

#### **SUBMISSIONS OF THE LEARNED STATE COUNSEL**

5. The learned State counsel has opposed the grant of bail to the petitioners, on the ground that, apart from the disclosure statement(s) of petitioners' co-accused, there is sufficient evidence available on record to establish the involvement of the petitioners in the alleged crime. The petitioners were/are instrumental in drug peddling for their self individualistic gains.

6. The learned State counsel has also filed separate short replies, on affidavit of Kuldeep Singh, PPS, Assistant Commissioner of Police (Detective), Amritsar, which are taken on record.

#### **SEQUENCE OF EVENTS LEADING TO ARRAIGNMENT OF THE PETITIONERS/DETAILS OF INVESTIGATION (AS NARRATED IN THE SHORT REPLIES FILED BY THE RESPONDENT-STATE)**

7. Consequent upon the petitioners' co-accused Hira Singh and Nishan Singh becoming arrested for keeping in their possession 01 kg 750 grams of heroin, accused Hira Singh made a disclosure statement, which can be summarized as under:-

*"I had brought the recovered contraband from one Varinder Singh (brother of petitioner- Vikram Singh @ Vicky) and Harbans Singh @ Vicky. The petitioner- Vikram Singh @ Vicky, who was then lodged in Central Jail, Goindwal, was having acquaintance with me and he gave me the Whatsapp Number of his*



*brother Varinder Singh for indulging in the trade of heroin. Accordingly, around 5/6 months ago, I contacted Varinder Singh via Whatsapp and started doing business of heroin. The petitioner- Vikram Singh @ Vicky, while being in jail, had twice got supplied consignments of heroin by contacting me through Whatsapp call and I had received Rs.40,000/- for each consignment through Varinder Singh.”*

8. On the basis of this disclosure statement, petitioner- Varinder Singh @ Vicky, his brother Varinder Singh and Harbans Singh were nominated as accused in the present FIR, vide G.D. No.53 dated 07.06.2023. Accordingly, petitioner- Varinder Singh @ Vicky, who was already confined at Central Jail, Goindwal, in case FIR No.113 dated 09.09.2019, registered at P.S. Basti Bawa Khel, Jalandhar and other FIRs, was brought on production warrant and he was arrested in the present FIR on 09.06.2023. During investigation, petitioner- Vikram Singh @ Vicky got recovered the mobile used by him in the jail and also suffered a disclosure statement, relevant extract whereof is concisely extracted hereunder:-

*“The recovered contraband was supplied by my brother Varinder Singh and Harbans Singh @ Vicky as per my direction. Not only this, as per my direction, my brother Varinder Singh had many a time sold heroin to petitioners- Gurmeet Singh @ Garry and Narpinder Singh.”*

9. This disclosure statement resulted in petitioners- Gurmeet Singh @ Garry and Narpinder Singh @ Bhindi becoming arrayed as accused in the present FIR, vide G.D. No.56 dated 09.06.2023.

10. During the course of investigation, accused Varinder Singh @ Bhalwan (brother of petitioner- Vikram Singh @ Vicky) and petitioner- Narpinder Singh @ Bhindi were arrested on 11.06.2023 from a flat situated at



Uttam Nagar, New Delhi. Moreover, one iphone X, one iphone 8 were recovered from accused Varinder Singh @ Bhalwan and one Oppo-A-54 mobile and one Samsung mobile were recovered from petitioner- Narpinder Singh @ Bhindi. Upon interrogation, accused Varinder Singh @ Bhalwan disclosed that he took the flat on rent by impersonating as Kuljinder Singh son of Raj Singh. Therefore, copies of the relevant documents were taken into police possession and offence under Sections 420/468/471 of the IPC was added on 11.06.2023. Thereafter, on 12.06.2023, petitioner- Gurmeet Singh @ Garry was also arrested and one mobile was recovered from him.

11. During investigation, petitioner- Narpinder Singh @ Bhindi also made a disclosure statement on 13.06.2023, which is succinctly extracted hereunder:-

*“Petitioner- Vikram Singh @ Vicky was my classmate and he had twice supplied me 50/50 grams of heroin through his brother Varinder Singh, which I had sold further for Rs.2,00,000/-. I was paid Rs.20,000/- for it and the remaining amount of Rs.1,80,000/- was given to accused Varinder Singh.”*

12. Likewise, petitioner- Gurmeet Singh @ Garry also suffered a disclosure statement on 13.06.2023, summary whereof is reproduced hereunder:-

*“Petitioner- Vikram Singh @ Vicky was my old known and he had, through his brother Varinder Singh, allured me for drug peddling and supplied me 50/50 grams of heroin twice through his brother Varinder Singh, which I had sold further for Rs.2,00,000/-. I was paid Rs.40,000/- for it and the remaining amount of Rs.1,60,000/- was given to accused Varinder Singh.”*

13. During investigation, accused Varinder Singh @ Bhalwan and petitioner- Narpinder Singh made further disclosure statement(s) on 15.06.2023 that they both had, on instructions of Pakistani smuggler Gujjar, supplied 02



kgs of heroin to one Romy, now resident of Srinagar. They used to make Whatsapp Calls to Pakistani smugglers from their mobiles.

14. During the course of investigation, the mobiles recovered from the petitioners/accused were sent to Digital Forensic Laboratory, Amritsar for retrieval of data. The report of the Laboratory concerned revealed that several Whatsapp Numbers of various Pakistani smugglers were stored in the mobile of accused Varinder Singh @ Bhalwan (brother of petitioner- Vikram Singh @ Vicky).

**CRIMINAL ANTECEDENTS OF THE PETITIONERS (AS DISCLOSED IN THE SHORT REPLIES FILED BY THE RESPONDENT-STATE)**

15. The criminal antecedents of the petitioners, as surface from a perusal of the short replies (supra), are tabulated hereunder:-

| Gurmeet Singh @ Garry |                                                                                             |
|-----------------------|---------------------------------------------------------------------------------------------|
| Sr. No.               | Details of FIR                                                                              |
| 1.                    | FIR No.242/2020, under Section 25, 27/54/59 of the Arms Act, P.S. Lohian, Jalandhar.        |
| 2.                    | FIR No.241/2020, under Section 21 of the N.D.P.S. Act, P.S. Lohian, Jalandhar.              |
| Narpinder Singh       |                                                                                             |
|                       | No case                                                                                     |
| Vikram Singh @ Vicky  |                                                                                             |
| Sr. No.               | Details of FIR                                                                              |
| 1.                    | FIR No.13/2019, under Sections 21, 29 of the N.D.P.S. Act, P.S. Basti Bawa Khel, Jalandhar. |
| 2.                    | FIR No.80/2019, registered at P.S. Mehna, Moga.                                             |
| 3.                    | FIR No.155/2019, under Sections 21, 29 of the N.D.P.S. Act, P.S. Bandhni Kalan, Moga.       |
| 4.                    | FIR No.107/2019, under Section 21 of the N.D.P.S. Act, P.S. Sadar Moga.                     |
| 5.                    | FIR No.70/2019, under Section 21 of the N.D.P.S. Act, P.S. Aarif Ke, Ferozepur.             |



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|-----|--------------------------------------------------------------------------------------------------------------------------------|
| 6.  | FIR No.14/2021, under Sections 21, 29 of the N.D.P.S. Act, P.S. Talwandi Chaudhriyan, Kapurthala.                              |
| 7.  | FIR No.37/2021, under Sections 21B, 25, 29 of the N.D.P.S. Act, P.S. STF, S.A.S. Nagar.                                        |
| 8.  | FIR No.241/2021, under Sections 3,4,5 of the Explosive Act, and, Sections 307, 427, 120-B of the IPC, P.S. City S.B.S. Na-gar. |
| 9.  | FIR No.18/2022, under Section 14F Act, 18, 21, 22 of the N.D.P.S. Act, P.S. Dorangla, Gurdaspur.                               |
| 10. | FIR No.144/2022, under Section 52A Prison Act, P.S. Goindwal Sahib, Tarn Taran.                                                |

**REASONS FOR DISMISSING THE INSTANT PETITIONS**

16. This Court has heard the submissions made by the learned counsels for the parties and perused the record. However, for the reasons to be assigned hereinafter, this Court is not inclined to grant the relief of regular bail to the petitioners.

17. In the instant case, huge recovery of 01 kg 750 grams of heroin has been effected from petitioners’ co-accused Hira Singh and Nishan Singh. Although the petitioners have been arrayed as accused on the basis of disclosure statement(s), however, apart from such disclosure statement(s), there is sufficient evidence available on record, as discussed hereinabove, thus indicative of petitioners’ involvement in drug peddling. Moreover, even though the petitioner- Vikram Singh @ Vicky was confined in jail at the time of recovery of contraband, however, he was the mastermind behind drug peddling, inasmuch as, through jail itself, he got supplied contraband through his co-accused Hira Singh and Nishan Singh, who served as conduits.

18. Furthermore, *prima facie*, it surges forth from the record that petitioner- Vikram Singh @ Vicky’s brother Varinder Singh, petitioners- ~~Narinder~~ Narinder Singh and Gurmeet Singh were in touch with Pakistani

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smugglers and they supplied heroin in India at their instance. Even the mobile data of the petitioner(s)/accused lends vigour to the prosecution version, inasmuch as, the report of the Digital Forensic Laboratory concerned reveals that Whatsapp Numbers of various Pakistani smugglers were found stored in the mobile of Varinder Singh (brother of petitioner-Vikram Singh @ Vicky).

19. Moreover, the hereinabove extracted criminal antecedents of the petitioners- Gurmeet Singh @ Garry and Vikram Singh @ Vicky impel this Court to draw an inference that they are habitual offenders.

20. In summa, all the instant petitions are **dismissed**.

21. Pending application(s) stand disposed of accordingly.

22. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petitions only.

23. A photocopy of this order be placed on file of each connected case.

**July 31, 2024**  
**devinder**

**(KULDEEP TIWARI)**  
**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |