



CRM-M-55526-2024

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(133)

CRM-M-55526-2024

Date of Decision : 18.11.2024

Sukhdev Singh @ Shega

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant petition, filed under Section 482 of the BNSS, 2023, the petitioner prays for grant of relief of anticipatory bail in case FIR No.36 dated 30.06.2024, under Sections 21, 25, 27-A and 29 of the NDPS Act, 1985, and under Section 120-B of the IPC, 1860 (Sections 473 and 485 of the IPC added later on), and under Sections 25 of the Arms Act, 1959, registered at Police Station State Special Operations Cell, Amritsar, District Amritsar, Punjab.

2. The petitioner is a habitual offender and is involved in following four other cases, registered under the NDPS Act :-

(i) FIR No.244 dated 15.12.2022, under Section 21 of the NDPS Act, P.S. Lopoke, District Amritsar;

(ii) FIR No.229 dated 08.09.2021, under Section 21 of the NDPS Act, P.S. Lopoke, District Amritsar;

(iii) FIR No.67 dated 20.04.2022, under Section 21 of the NDPS Act, P.S. Lopoke, District Amritsar;

(iv) FIR No.203 dated 03.10.2019, under Section 21 of the NDPS Act, P.S. Lopoke, District Amritsar.

3. On asking for the relief (supra), learned counsel for the petitioner



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submits that the only role assigned to the present petitioner is that the alleged consignment is to be hand over to the petitioner, whereas, he has no concern whatsoever, with the alleged consignment and there is no incriminating material with the prosecution to connect the petitioner with the alleged crime.

4. This Court, vide order dated 08.11.2024, after issuing notice of motion to the respondent-State of Punjab, directed the State to file a reply, disclosing therein the role and criminal antecedents of the present petitioner, besides detailing the incriminatory material, as collected by the investigating officer concerned, which connects the petitioner with the alleged crime.

5. In deference to the directions issued by this Court, vide order dated 08.11.2024, reply dated 16.11.2024, by way of affidavit of Mr. Harwinderpal Singh, PPS, Deputy Superintendent of Police, SSOC, Amritsar, on behalf of the respondent-State of Punjab, furnished by the learned State counsel today in the Court. The same is taken on the record. Copy thereof, supplied to learned counsel for the petitioner.

6. The study survey of the reply (supra), clearly makes revelation that the consignment, at one point of time, was delivered to the present petitioner Sukhdev Singh @ Shega, by the co-accused. Further, it reflects that the petitioner along with the other arrested co-accused, are indulged in the cross border drugs smuggling activities, and they have deep nexus with the Pakistan based smugglers. The role of the present petitioner, which is mentioned in the reply, is extracted hereinafter :-

“11. That the petitioner with the help of his associates and arrested accused formed a criminal group to carry out drug/weapon smuggling activities and were found to be involved in cross border drug smuggling nexus with the help of Pakistan based smuggler.

It was also revealed that arrested accused John Masih and



Shera Masih were introduced with Pakistan based smuggler Qasim Dhillon by Harpreet Singh alias Happy alias Sonu Baba. Qasim Dhillon provided consignment comprising 1.500 Kg Heroin and 2 Kgs Heroin to John Masih and Shera Masih on 20.06.2024 and 25.06.2024 respectively. The consignment was sent in Lopoke area which was further delivered to petitioner Sukhdev Singh alias Shega by said accused.

Thereafter, on 29.06.2024, accused John Masih and Shera Masih had received the consignment of heroin 1.500 Kg and weapons, sent by their Pakistan based handler Qasim Dhillon r/o Pakistan. On 30.06.2024, on the directions of Qasim Dhillon and Harpreet Singh alias Sonu Baba, John Masih and Shera Masih further delivered the consignment of Heroin and weapon to co accused Ravinder Singh alias Kaka and received drug money of Rs. 02 Lakh from him. The weapon (01 Pistol) was further to be delivered to petitioner Sukhdev Singh alias Shega by arrested accused John Masih and Shera Masih, on the directions of Pakistan based handler and Harpreet Singh alias Sonu Baba.”

7. In the instant FIR, a total recovery is 2kg. heroin, along with illegal weapon.
8. Considering the gravity of the offence, including the recovery of 2kg. heroin, which falls under the ambit of commercial quantity, and the antecedents of the petitioner, this Court is of the considered opinion that the petitioner do not deserve the relief of anticipatory bail. Therefore, the instant petition is hereby **dismissed**.

(KULDEEP TIWARI)
JUDGE

November 18, 2024
Manpreet