

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

235

CRM-M-40752-2018

Date of decision: 11.01.2024

Rawinder Singh @ Ravi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vineet Chaudhary, Advocate for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. This is the third petition which was filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.78 dated 19.07.2017 under Sections 22/27-A/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Moti Nagar, District Ludhiana.

2. Vide order dated 29.04.2019, a Coordinate Bench of this Court after making the following observations extended the concession of interim bail to the petitioner:-

“This is 3rd petition for grant of regular bail to the petitioner in FIR No.78 dated 19.07.2017 under Sections 22/27-A/29 of NDPS Act, registered at Police Station Moti Nagar, District Ludhiana.

Learned counsel for the petitioner submits that the new ground for grant of regular bail to the petitioner is that on an application moved by him, the trial Court has directed the National Highway Authority of India (Toll Plaza), Laddowal, Ludhiana to preserve the CCTV footage w.e.f. 17.07.2017 to 20.07.2017 and to deposit copy of the same with the Illaqa Magistrate. The trial Court has even passed an order dated 06.02.2018 for giving the tower locations of mobile phones of the police officials, who

were members of the police party on the date of registration of the FIR. It is further submitted that the petitioner is in judicial custody since 19.07.2017; he is not involved in any other case and till date, the trial has not commenced.

Learned counsel for the petitioner has argued that though one of the co-accused Palwinderjit Singh @ Pinda @ Pala was granted the concession of interim bail vide order dated 20.11.2017 passed in CRM-M-43018-2017, however, subsequently, he has not surrendered back and on that account, the trial is being delayed.

Learned State counsel, on instructions from ASI Tanwant Singh and on the basis of affidavit of the Investigating Officer, Special Task Force, Ludhiana, could not dispute that the petitioner is not involved in any other case under the NDPS Act, however, submitted that the trial is delayed due to nonsurrendering of co-accused Palwinderjit Singh @ Pinda @ Pala and opposed the prayer for bail.

After hearing learned counsel for the parties, I find that petitioner has taken a specific stand that on the date of occurrence, he was not present at the spot and rather his presence was not noticed in the CCTV footage of Toll Plaza Laddowal, Ludhiana and has also stated that since members of the police party, who conducted the investigation at the spot on 19.07.2017, were not present at that place, the police is required to re-verify the report under Section 173 Cr.P.C.

List again on 28.05.2019.

The Director, Bureau of Investigation is directed to re-verify the investigation of this case, after looking into the CCTV footage as well as tower locations of mobile phones of all the members, who were part of the police party and furnish the affidavit.

Till the next date of hearing, the petitioner is directed to be released on interim bail subject to furnishing his bail/surety bonds.”

3. Thereafter, the case kept getting adjourned with the interim order dated 29.04.2019 being extended on all the subsequent dates. On the last date of hearing i.e. 15.11.2023 since there was no representation on behalf of the petitioner, the case was adjourned to today with no order for extension of interim order.

4. Learned counsel for the petitioner has vehemently contended that it was evidently a false case which had been planted upon him inasmuch as he had been picked up from his residence on the day when the alleged recovery was effected from him. Learned counsel has reiterated his submissions made on 29.04.2019 before this Court that after being picked up from his residence, a huge recovery of 2.5 kgs of heroin each had been planted upon him and the co-accused. He has argued that since the evidence is underway and ever since the grant of concession of interim bail to him vide order dated 29.04.2019, he has not misused the concession, the interim bail granted to him be either extended or be made absolute.

5. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by learned counsel for the petitioner for extending the interim bail which had been granted to the petitioner by a Coordinate Bench of this Court on 29.04.2019 or even enlarging him on regular bail in view of the serious allegations levelled against the petitioner as well as his criminal antecedents. It has been asserted by the learned State counsel that a specific secret information had been received qua both the accused including the petitioner that they had links with one Raja Kandola, who is also a prime accused in a multi crore drug syndicate; they all had been in regular touch with their suppliers in Pakistan from whom they had been getting regular supplies of heroin, which were then sold by them; the money which they were earning from the sale of heroin was being distributed amongst all of them through Hawala. Learned State counsel has further submitted that

the petitioner along with co-accused were intercepted by the police party pursuant to a secret information received and a total recovery of 5 kgs of heroin was effected from the car in which they were travelling. Learned State counsel submits that the contention of the learned counsel for the petitioner qua being falsely implicated is devoid of any merit as all the mandatory provisions of the NDPS Act were duly complied with when the petitioner and the co-accused were nabbed by the police on 19.07.2017. Learned State counsel has also drawn the attention of this Court to the affidavit dated 07.02.2019 of Jaspal Singh SI and has submitted that the criminal antecedents of the petitioner are further evident from the fact that in the year 2003, a criminal case was registered against him in USA for having been found in possession of 19 kgs of cocaine and thereafter he had been deported to India. Besides this, during investigation enough incriminating material showing the involvement of the petitioner in the sale and purchase of narcotic substances had come to light. Learned State counsel has also drawn the attention of this Court to the affidavit of Prabodh Kumar, IPS dated 14.08.2019 with respect to the submissions made by learned counsel for the petitioner qua the unlikelihood of the police officials being present at the place where the petitioner was allegedly apprehended by them. He has submitted that in compliance of the order dated 29.04.2019 passed by the Coordinate Bench call details and tower location records of the mobile phones of the police officials, who apprehended the petitioner were obtained and analysed wherein it came to the fore that at the relevant time and date when the petitioner as per the submissions of

the learned counsel for the petitioner, was nabbed from his residence at village Badla, the police officials were nowhere in the near vicinity nor were they present in the village of the accused. It has been submitted by the learned State counsel that keeping in view the criminal antecedents of the petitioner, who is involved in a number of cases under the NDPS Act, which fact has also been noticed by the Coordinate Bench, his prayer for regular bail be declined as the menace of drugs has spread like termites in the State of Punjab. Furthermore, it has been submitted that the trial is nearing conclusion as 14 out of the 19 prosecution witnesses stand examined. Learned State counsel has also brought to the notice of this Court that co-accused Palwinderjit Singh, who was apprehended along with the petitioner and had also been granted interim bail by the Coordinate Bench, had absconded and declared a proclaimed offender.

6. I have heard learned counsel for the parties and perused the relevant material on record..

7. In the facts and circumstances as enumerated hereinabove, particularly keeping in view the criminal antecedents of the petitioner and also the huge recovery effected from the petitioner, no ground is made out for extension of interim bail to the petitioner. The instant petition is dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. The petitioner shall surrender forthwith before the jail

where he was lodged prior to being extended the concession of interim bail on 27.04.2019, on or before 15.01.2024 by 01:00 P.M.

11.01.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No