

215

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.63556 of 2023 (O&M)

Date of Decision:24.01.2024

Inspector Lachhman Singh

..... Petitioner

V/s.

State of Punjab

.....Respondent

CORAM:

HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:

Mr. Ramnish Puri, Advocate
for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

Anoop Chitkara, J. (Oral)

FIR No.	Dated	Police Station	Sections
135	20.07.2023	City South, District Moga	21, 22, 29 of NDPS Act and Section 13(1)(2) of PC Act, 1988 added later on

1. Apprehending arrest in the FIR captioned above, the petitioner posted as Inspector of Police had come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. The allegations against the petitioner are that he was collecting money from drug peddlers and smugglers through one Parkash Singh and Parkash Singh named petitioner in his disclosure statement. Investigator is also able to collect call details of petitioner with said Parkash Singh.
3. Vide order dated 18.12.2023, the petitioner was granted interim bail, which is continuing till date.
4. Vide order dated 18.01.2024, the petitioner’s counsel had submitted that the petitioner is thoroughly honest and he would demonstrate the same by declaring his assets as well as that of his spouse in any format as prescribed by this Court and would not claim it as self incriminatory or violative of Article 20/21 of the Constitution of India or any other provisions of Evidence Act or any other act.
5. Today, counsel for the petitioner submits that he has complied with this condition and handed over the affidavit and would abide by the undertaking as mentioned in the previous order dated 18.01.2024 and thus, would not claim it as self incriminatory or violative of Article 20/21 of the Constitution of India or any other provisions of Evidence Act or any other act.
6. Facts of the case have been taken from reply dated 03.01.2024 which reads as follows:-

“3. That the present case bearing FIR No.135 Dated 20.07.2023 Police Station City South Moga was initially registered under section 21/22 NDPS Act against Kirandeep Kaur @ Kirna wife of Gurpreet Singh and Jasvir Kaur @ Jassi wife of Baljit Singh @ Mintu and Baljit Singh @ Mintu son of Kuldip Singh on the basis of secret information. Brief facts of the case are that on 20.07.2023 a police party headed by ASI Tarsem Singh of CIA Staff, Moga was present at Bahona Chown, Moga in connection with patrolling and checking of

suspected persons then special informer came there and informed that Kirandeep Kaur @ Kirna wife of Gurpreet Singh and Jasvir Kaur @ Jassi wife of Baljit Singh @ Mintu and Baljit Singh @ Mintu son of Kuldip Singh used to sell the intoxicant tablets and heroin and in case raid is conducted then they can be apprehended red handed and from their possession huge quantity of heroin and intoxicant tablets can be recovered. On the basis of said information ASI Tarsem Singh sent ruqa to the police station and got registered the present case. On receiving the information another police party headed by Asi Sukhwinder Singh reached at the spot and apprehended said Kirandeep Kaur @ Kirna wife of Gurpreet Singh and Jasvir Kaur @ Jassi wife of Baljit Singh @ Mintu and Baljit Singh @ Mintu son of Kuldip Singh and recovered 5 grams of heroin and 130 Etizolam tablets from their possession.

4. That during investigation of the case, said Kirandeep Kaur @ Kirna wife of Gurpreet Singh and Jasvir Kaur @ Jassi wife of Baljit Singh @ Mintu and Baljit Singh @ Mintu son of Kuldip Singh, got recorded their disclosure statement that they had purchased said 130 intoxicant tablets and 5 grams heroin from Karamjit Singh @ Sahil son of Kulvir Singh, Sona wife of Pawan Kumar, Kallu residents of Sadhan Wali, Jashandeep Singh @ Kali son of Raja Singh, Amarjit Singh resident of Chowk Shekhan, Moga as per directions of Parkash Singh (Petitioner) son of Harbhajan Singh resident of Shri Guru Chander Nagar, Moga. On the basis of said disclosure statement said Karamjit Singh @ Sahil son of Kulvir Singh, Sona wife of Pawan Kumar, Kallu residents of Sadhan Wali, Jashandeep Singh @ Kali son of Raja Singh, Amarjit Singh resident of Chowk Shekhan, Moga and Parkash Singh were nominated as accused and offence u/s 29 of NDPS Act was added vide DDR No.31 Dated 21.07.2023.

5. That during investigation of the case, co-accused Parkash Singh was arrested by the police on 21.07.2023 and from his possession, drug money amounting to Rs.20000/- was recovered.

6. That vide order no.968-69R-SSP, Moga dated 02.08.2023 a Special Investigating Team was constituted for conducting the investigation of the present case. During investigation, it is found that petitioner Inspector Lachhman Singh and constable Manpreet Singh had received the amount from accused Kirandeep Kaur @ Kirna wife of Gurpreet Singh, Karamjit Singh @ Sahil, Sona wife of Pawan Kumar, Kallu residents of Sadhan Wali Basti, Moga and Jashandeep Singh @ Kali through accused Parkash Singh. So, vide DDR No.36 dated 02.08.2023 petitioner and Manpreet Singh have been nominated as accused and offences u/s 7, 13(2), 88 have been added in the present case. **It is necessary to point out here during investigation from the co-accused nabbed on the spot, this fact has surfaced that the petitioner Inspector Lachhman Singh and Constable Manpreet Singh used to receive amount from the accused on monthly basis in order to protect them from the penal provisions of Law.** The matter is being thoroughly and deeply investigated by the Special Investigating Team as the matter pertains to bursting of drug racket of which petitioner is an active member while holding official capacity. **Since, this present case pertains to recovery of tablets more than the commercial quantity of Etizolam and the petitioner has direct links with the co-accused apprehended on spot with commercial quantity of contraband, the custodial interrogation is very much required in order to unearth the true facts, enquire about the monetary benefits that the petitioner has gained wrongfully and gather relevant information pertaining to the drug racket run by the petitioner and his co-accused.** Provisions of section 37 NDPS will apply in this case and the same is not a fit case to grant relief of anticipatory bail to the petitioner.

7. That during investigation of the case, accused Amarjit Singh was arrested by the police on 10.08.2023 in connection with the present case.

8. That during investigation of the case accused Karamjit Singh @ Sahil has been arrested by the police on 16.09.2023.

9. That FSL report in the present case has been received and as per report, from recovered tablets Etizolam salt and from the heroin Diacetylmorphine salt has been found.

10. That during investigation of the case, on 10.11.2023 co-accused Manpreet Singh had joined the investigation of the case, whereas on 22.12.2023, petitioner Lachhman Singh had joined the investigation, in compliance of order passed by this Hon'ble Court."

7. The petitioner seeks bail on the ground that the call details between him and Parkash Singh were for the reasons that Parkash Singh was the informer of the petitioner and was instrumental in gathering many secret informations. He further submits that now because of such confidential call details, simply because the said Parkash Singh also indulges in drug case, could not mean that the petitioner was involved with him. Petitioner’s counsel further submits that he has clean antecedents and no other case is pending against him and he has specifically stated so in paragraph 17 of the petition which is supported by the affidavit.
8. This Court had explicitly mentioned about the call details between Parkash Singh wrongly written as Paramjit Singh in order dated 18.01.2024 and despite that, today the State’s counsel is unable to refute the said claim of the petitioner. Even otherwise, the role of the petitioner as mentioned in para 11 of the reply is that he has received money from Kirandeep Kaur, Karamjit Singh, Sona, Kalu and Jashandeep Singh through accused-Parkash Singh. As per reply, the other evidence which has been collected till date against the petitioner is that the petitioner and Constable Manpreet Singh used to receive money from the accused on monthly basis.
9. The case of the petitioner is different from that of Manpreet Singh for the reason that the petitioner had explained his call details by claiming that Parkash Singh was his informer and was instrumental in gathering information *qua* many drug peddlers and smugglers which led to recovery of contraband in large number of cases. There is nothing to disbelieve the specific stand taken by the petitioner. In addition to that, the petitioner has handed over an affidavit declaring his assets. It is open for the prosecution to verify the same and proceed further in accordance with law if there is any material.
10. Given above, the petition is allowed and interim order dated 18.12.2023 is made absolute. Pending applications, if any, stand disposed of.

24th January, 2024

Sonia Puri
Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No

(ANOOP CHITKARA)
JUDGE