

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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CRM-M-65374-2023  
Reserved on: 24.01.2024  
Pronounced on: 29.01.2024  
2024: PHHC: 011200

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MANDEEP SINGH @ MARINDA

. . . . Petitioner

Vs.

STATE OF PUNJAB

. . . . Respondent

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CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

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Present: - Mr. Umesh Aggarwal, Advocate, for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

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DEEPAK GUPTA, J.

By way of this petition filed under Section 439 CrPC, petitioner prays for his release on regular bail in case FIR No.106 dated 04.05.2023 registered at Police Station Maqboolpura, District Amritsar, under Sections 420/467/468/471/120B IPC, Sections 12 & 13 of the Passport Act (added later on), Sections 21B, 27A of the Narcotics Drugs and Psychotropic Substances Act, 1985 (Act N: 61 of 1985) {for short 'the NDPS Act'} and Section 25 of the Arms Act, 1959 (Act N: 54 of 1959) {for short 'the Arms Act'}.

2. Status report by way of affidavit dated 24.01.2024 of Shri Gurinderbir Singh, PPS, Assistant Commissioner of Police, East, Amritsar, has been filed on behalf of the respondent/State.

3.1. As per prosecution allegations, on 04.05.2023, Sub Inspector Rajinderpal Singh, Police Station Maqboolpura, Amritsar City received secret information to the effect that Sohan Lal @ Sonu, Sawan Kumar son

of Karam Chand, and Rakesh resident of village Sadoli, along with other persons had formed a gang for preparing forged documents to send criminals and gangsters abroad by preparing Indian passports on the basis of fake documents. These persons had also allegedly sent one Harbhej Singh @ Javed @ Golu abroad, who was absconding in case FIR No.233 dated 11.09.2021 registered under Section 21C, 27A and 29 of the NDPS Act and Section 25 of the Arms Act at Police Station Maqboolpura, Amritsar by pasting photograph of said Harbhej Singh @ Javed @ Golu on the Aadhar card of Sawan Kumar and by preparing Indian passport on the basis of fake documents. FIR was registered.

3.2           Sohan Lal @ Sonu was arrested on 05.05.2023. During interrogation, he suffered disclosure statement, as per which he runs an office in the name of SK Immigration and Tour and Travel at Village Peoda, Kaithal, Haryana and that he along with Rahul @ Tinku, Jaswinder Gill, Naveen Kumar @ Babbu, Rakesh Kumar and Sawan Kumar had formed a gang to procure fake passports on the basis forged documents for money and that on the asking of Naveen Kumar @ Babbu, Jaswinder Gill and Harbhej Singh @ Javed @ Golu, he (Sohan Lal @ Sonu) along with Rahul Kumar had prepared passport of Harbhej Singh @ Javed @ Golu on the basis of fake documents.

3.3           It was also found that Sohan Lal @ Sonu and Rakesh Kumar had also prepared fake passport of one Navinder Singh by changing his address. Said Navinder Singh was wanted in a case under Section 302 IPC.

3.4           During further investigation, Navinder Singh, Sawan Kumar, Naveen Kumar @ Babbu and Jaswinder Gill were arrested on 05.05.2023.

Co-accused Sarwar was arrested on 13.05.2023 and Amritpal Singh was arrested on 14.05.2023.

3.5 During the interrogation of co-accused Amritpal Singh, he had disclosed that on the basis of fake documents, his relative Harbhej Singh @ Javed @ Golu had gone to Portugal, from where he used to make calls from international number on WhatsApp and used to get delivered heroin from his persons. Said Amritpal Singh also disclosed that present petitioner Mandeep Singh @ Marinda used to come to him for receiving heroin. As such, petitioner Mandeep Singh @ Marinda, Pardhan, Arjun and Amrik Singh were nominated as co-accused. Petitioner was arrested.

4. It is contended by ld. counsel that petitioner has been falsely implicated in the case on the basis of disclosure statement of co-accused Amritpal Singh. The only allegation against the petitioner is to the effect that he used to receive contraband from Amritpal Singh on the direction of Harbhej Singh @ Javed @ Golu; that no recovery was effected from the petitioner; that trial may take time to conclude and so, he be allowed bail.

5. Ld. State counsel does not dispute the fact that no recovery was effected from the petitioner; that case against him is dependent upon the disclosure statement of co-accused Amritpal Singh, but ld. State counsel has drawn attention of this Court towards the criminal antecedents of the petitioner, who is stated to be involved in 5 other cases as per para-No.8 of the status report.

6. I have considered submissions of both the sides and appraised the record.

7. The only role attributed to the petitioner is that he used to collect heroin from co-accused Amritpal Singh on the asking of Harbhej Singh @ Javed @ Golu, which role is based on the disclosure statement of co-accused. No recovery was effected from the petitioner. Trial may take time to conclude. Keeping in view the alleged role of petitioner in present crime, pendency of other cases against him cannot be a reason to keep him detained.

8. Having regard to all the above said facts and circumstances, but without commenting anything further on merits of the case, petition is allowed. Petitioner is admitted to regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, on usual terms and conditions.

29.01.2024  
*Vivek*

(DEEPAK GUPTA)  
JUDGE

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| 1. Whether speaking/reasoned? | Yes |
| 2. Whether reportable?        | No  |