



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

CRM-M-60690-2024
DECIDED ON: 04.12.2024

AMANDEEP SINGH ALIAS JINDER SINGH
.... PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Umesh Aggarwal, Advocate
for the Petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J

1. RELIEF SOUGHT

The jurisdiction of this Court under Section 482 B.N.S.S. has been invoked seeking grant of anticipatory bail to the petitioner in case FIR No.46 dated 04.08.2024,(Annexure P-1) under Sections 21, 25, 29, 61,85 OF Narcotic Drugs and Psychotropic Substances 1985 and under section 25 of the Arms Act and section 61(2) of BNS, 2023 registered at Police Station Intelligence Wing, State Special Operations Cell, Amritsar.

2. The contents of the FIR read as under:-

Chief Officer Police Station State Special Operations Cell, Amritsar Jai Hind. Today ASI along with fellow employees SI Satwinder Singh, SI Dilbagh Singh, ASI Sudhir Sharma, ASI Rupinderjit Singh, ASI Bikramjit Singh, Sepoy Harkirat Singh, Senior Sepoy Gurbaj Singh,



Sepoy Ranjinder Singh, Sepoy Jagrup Singh, as part of the campaign against the anti- national elements, were riding government vehicles with laptop printers at Attari Road, District Amritsar. That the secret informer came and informed that Rajwant Singh alias Raju son of Deep Singh resident of attal garh Police Station Gharinda, District Amritsar along with his other accomplices is very active in smuggling illegal weapons and drugs. The said Rajwant Singh alias Raju is in contact with the Pakistani smuggler Rana Dial and because of him large consignments of illegal weapons and drugs are being sent from the Indo-Pak border through drones and other means. The said Rajwant Singh alias Raju along with his accomplices have recovered a large consignment of illegally smuggled illegal arms and weapons sent by Pakistani smugglers. And today the drugs are to be delivered to a party on the Attari-Amritsar road Khurmania turn riding his motorcycle CT-100 color red with number PB02-AL-7481. If the said area is cordoned off in a planned manner without any delay, then said person can be captured along with a large consignment of illegal weapons and narcotics which is a true and reliable statement from which the accused have committed crime under section 21, 25, 29 NDPS Act, 25 Arms Act, 61 (2) BNS. Ruka being prepared and to register the case Senior Constable Gurbaj Singh No. 1511/ASR-R is being sent. The case should be registered and informed about the case number, special reports should be prepared and sent to the service of the Magistrate and the officers, the control room should be informed through telephone, wireless. Today Area: Adda Khasa Attari Road, District Amritsar Rural AT: 02:05 PM, Sahi/-ASI Malkit Singh 2315/ASR-C, Police Station State Special Operations Cell, Amritsar. Date: 04-08-



2024, Today Police Station: Currently the said statement in police station is received, but the case has been registered against the said crime under the said police station, by handing the original written copy of the FIR to the employeeis being sent to ASI and by HCJagjit Singh 7/719 is being sent by preparing special reports and submit them to the service of District Magistrate Sahib and officers. control room via telephone has been notified. Completion FIR:- 14, Time: 03:30/PM, Date 04-08-2024.'

3. ***SUBMISSIONS***

ON BEHALF OF THE PETITIONER:

It is contended by the learned counsel for the petitioner that the petitioner is innocent and has been implicated falsely in the present case as neither he was present on the spot nor has any recovery been affected from him. The name of the petitioner has surfaced on the basis of disclosure statement of accused Rajwant Singh @ Raju who was apprehended on the spot with the 454 grams of heroin and 2 pistols with 9MM magazine, on the basis of secret information. The petitioner is not named even in the secret information as such the petitioner has no connection with the alleged contraband and is a person of clean antecedents as he is not involved in any other case.

Notice of Motion.

ON BEHALF OF RESPONDENT-STATE:

On the asking of the Court, Mr.Jaspal Singh Guru, Assistant Advocate General, Punjab, who is present in Court accepts notice on behalf of the State of Punjab and has submitted that the petitioner's involvement has been alleged by the co-accused Rajwant Singh @ Raju in his disclosure



statement which shows that the petitioner is also involved in the present case. The secret informer had named Rajwant Singh @ Raju to have contacts with the Pakistani smuggler Rana Dial and because of him, large consignments of illegal weapons and drugs are being sent from the Indo-Pak border through drones and other means. As such, the petitioner is one of accomplices of the abovesaid Rajwant Singh @ Raju and due to this reason, the petitioner does not deserve the grant of concession of anticipatory bail.

4. Heard learned counsel for the parties at length.

5. **ANALYSIS AND CONCLUSION**

Be that as it may, after considering the submissions made herein above and on perusal of the assertions made in the petition as well, this court is of the firm view that custodial interrogation of the petitioner is required particularly in view of the fact that serious overt act has been attributed to the petitioner. The perusal of the allegations in FIR shows that it contains serious allegations of importance of national security because according to the secret information, not only drugs but also arms and ammunition are also being smuggled from the neighbouring country i.e. Pakistan by the main accused Rajwant Singh @ Raju and his accomplices.

Moreover, it is settled proposition of law that power exercisable under Section 482 BNSS, 2023., is somewhat extraordinary in character and it is to be exercised in exceptional cases. In State of **Andhra Pradesh vs. Vimal Krishna Kundu, AIR 1997 SC 3589**, Apex Court has held that in case of well orchestrated conspiracy, if the accused is equipped with anticipatory bail order before interrogated by police, would greatly harm the investigation and would impede the prospects of unearthing all the ramification involved



in the conspiracy. Similarly, in ***Ram Govind Upadhyay versus Sudarshan Singh, (2002) 3 SCC 598***, it has been observed as under:

“3. Grant of bail though being a discretionary order — but, however, calls for exercise of such a discretion in a judicious manner and not as a matter of course. Order for bail bereft of any cogent reason cannot be sustained. Needless to record, however, that the grant of bail is dependent upon the contextual facts of the matter being dealt with by the court and facts, however, do always vary from case to case. While placement of the accused in the society, though may be considered but that by itself cannot be a guiding factor in the matter of grant of bail and the same should and ought always to be coupled with other circumstances warranting the grant of bail. The nature of the offence is one of the basic considerations for the grant of bail — more heinous is the crime, the greater is the chance of rejection of the bail, though, however, dependent on the factual matrix of the matter.”

6. In view of the seriousness of the allegations, the custodial interrogation of the petitioner is certainly required to unfold the illegal activities prevailing at the Indo-Pak borders. Therefore, in the interest of national security and the gravity of the offence involved, I find no merit in the petition and the same is hereby dismissed.



7. However, it is made clear that the observations made hereinabove shall have no bearing in the mind of the trial Court while conducting the trial and adjudicating the same.

(SANDEEP MOUDGIL)
JUDGE

04.12.2024
anuradha(v)

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