

2025:PHHC:050009



227            IN THE HIGH COURT OF PUNJAB AND HARYANA  
                 AT CHANDIGARH

CRM-M-297-2025  
DECIDED ON: 18.03.2025

GURMEET SINGH @ GEETA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rajesh Lamba, Advocate  
for the petitioner.

Mr. Surender Singh Pannu, Addl. AG, Haryana.

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SANDEEP MOUDGIL, J (ORAL)

**1.            Relief sought**

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C. (now Section 482 BNSS, 2023) for grant of anticipatory bail to the petitioner in FIR No. 145 dated 24.03.2014, under Sections 15, 25, 27-A, 31 of NDPS Act, 1985, registered at Police Station Ratia, Fatehabad.

**2.            Facts**

Prosecution story setup in the present case as per the version in the FIR as under:-

*“SHO PS Ratia Jai hind. Today ASI along with EASI Vijay Singh No. 169, HC Jaibir Singh No.39, EHC Omprakash No. 599, C. Surender*

*Kumar No.538 were in private vehicle, presently at Village Bira Vadi canal bridge for checking light vehicles that one Tata turbo canter HR37B1465 came from side of village Khunan, there were two persons in the vehicle. SI signalled to stop then driver of TATA Turbo center'. Then driver off Tata turbo canter took the vehicle in the village and fast speed after breaking the barricade. SI upon suspicion went after Tata turbo with the help of co-employees Tata turbo canter got entangled on a turn and canter driver in his companion left the vehicle and run away. They were searched for in village Bira Vadi but they were successful in concealing themselves. Tata turbo Cantor was seen closely then under tarpal in the Cantor plastic bags were found to be loaded and there was a suspicion of some narcotic substance. DSP Nripjeet Singh DSP city Fatehabad was informed on telephone to reach at the spot. Upon seeing the police many villagers got collected, they were asked to join the investigation, but all of them disclosed their problem and went away. After approximate one hour DSP Nripjeet Singh DSP City Fatehabad came along with this personal staff and he instructed me to search Tata turbo canter and as per is instruction carpal was removed and canter was checked the 19 plastic bags on which Kribhco urea was written was founded in the canter and 5 bags of plastic coloured white were also kept. Mouth of the bags were opened and checked then in 19 bags poppy straw was found and in 5 plastic bags colour white doda post was recovered. From each bag 100 100 gram, 2 to samples were taken out and parcels were prepared and bags were weighed with computer scale then in the 19 bags, 24 kg. 800 gms., 24 kg. 800 gms. was found and 5 plastic bags were weighed and it was found 40 kg. 800 gms. and one bag it was 33 kg. 800 gms., total chura post was found to be 475 kg. and doda post was 198 kg Doda post, 38 sample parcels were taken and 10 sample parcels doda post were taken and 19 bags and 5 bags plastic bags were affixed with seal of R.K and sample seal was prepared.. On every bag and sample parcel, DSP affixed seal of NS and seal after use was kept by DSP with him. ST handed over seal to HC Jaibir Singh after use and vehicle was checked and in dash board*

*one Nokia Dool phone, having Vodaphone sim was recovered and TATA Turbu Center Mobile LPT-1109TC/42.CH.N0416306L VZ. 13:393. Sample parcels, doda parcels weighing 100/100 gms. each, total 48 parcels and 19 plastic bags and 5 bags doda post, center HR 37B-1465 were taken in possession vide way of recovery memo and witnesses appended their signatures and DSP certified the same. Two unknown person, name and address unknown by keeping 475 kgs chura post and 1298 kg. doda post, TATA turbo No. HR37B-1465 being used to transport from one place to another and thus committed offence under Section 15/27A/25/61/85 NDPS Act, therefore, complaint is being sent by hand with C.Surender Kumar 538 for registration of case. Case number be informed afterwards. Special report of the case be sent to laka Magistrate and senior officers. SI alongwith other employees are busy in investigation at the spot. Sd Raj Kumar SI I/C PP Nagpur Dt. 24.03.14 At 4.30 Pm Today Village Bira Vadi.”*

**3. Contentions**

**On behalf of the petitioner**

The learned counsel for the petitioner contends that as per the case of the prosecution, a truck bearing Registration No.HR-37B/1465 was signaled to stop but the driver and the other occupant of the truck sped away and abandoned the truck at an isolated place. On a search of the truck, 19 plastic bags were found containing 475 kilograms of poppy husk (Chura Post) and 198 kilograms of poppy husk (Doda Post). The truck was found to be owned by one Harbans @ Harbansh. Harbans @ Harbansh was sought to be arrested but as he could not be so arrested, he was declared a proclaimed offender. Subsequently, he was found to have been lodged at Central Jail, Hisar in FIR No.54 dated 06.03.2023 under Section 174-A of IPC. He was arrested in the instant case and on 13.03.2023, suffered his disclosure statement naming Nishan Singh and Pyara Ram as his co-accused.

Nishan Singh was arrested on 01.08.2023 and suffered a disclosure statement that he alongwith Gurmeet Singh @ Geeta are the sellers of the contraband. It is the case of the petitioner that as the petitioner has been named in the disclosure statement of his co-accused without any other evidence, he is entitled to the concession of anticipatory bail.

**On behalf of the respondent-State**

Learned State counsel has vehemently opposed the prayer made in the present petition stating that there are serious allegations against the present petitioner, as in the present case recovered contraband was purchased by the petitioner along-with co-accused Nishan Singh @ Chhanni and Jattu @ Nihal Singh in huge quantity, which was transported from vehicle Mahindra Max Pick-up to the Canter bearing registration No. HR-37-B-1465 owned by the co-accused Harbans Singh @ Pappi, from which the recovery of 475 Kg of Poppy Husk (Chura Post) and 198 KG of Poppy Husk (Doda Post) was effected, which is commercial in nature.

Heard respective parties for the parties.

**4. Analysis**

While addressing the objectives of the NDPS Act, the Hon'ble Supreme Court in the case of “***Durand Didier v Chief Secretary, Union Territory Of Goa (1990) 1 SCC 95***” emphasized that the rampant issue of clandestine smuggling and illegal trafficking of drugs and substances has led to widespread drug addiction, particularly among adolescents and youth. This has had a harmful and devastating impact on society. With grave concern, it was noted that the organized activities of criminal groups and the illegal importation of narcotic drugs and psychotropic substances into the country have caused a significant increase in drug

addiction, especially among young people and students, affecting both genders. The menace has grown to alarming proportions in recent years. Consequently, to effectively combat and eliminate this growing threat, which is causing severe and harmful effects on society as a whole, Parliament, in its wisdom, enacted the NDPS Act of 1985, introducing provisions that mandate minimum imprisonment and fines for such offences.

The tactics employed by drug peddlers engaging in the narcotics trade often involve starting with small or intermediate quantities or taking the defence of disclosure, banking on the assumption that, even if apprehended, they will be granted bail. This, however, cannot be the intended purpose of the law. Such individuals, involved in trafficking even modest amounts of contraband or managing the mafia by sitting at their homes, are akin to termites eroding the fabric of society. It is imperative that, when considering bail applications from those engaged in the trafficking of small or intermediate quantities or where no contraband is effected from their conscious possession, the Court should take a firm and resolute stance, addressing them with the utmost severity to curb this insidious menace.

Insofar as the principal contention raised by the petitioner that he was named solely on the basis of a disclosure statement and that no contraband was recovered from him, is concerned, the learned State Counsel has effectively rebutted the same. It has been submitted that the driver and another occupant of the truck managed to abscond from the scene, abandoning the vehicle at the spot. Subsequent investigation revealed that the said truck was registered in the name of one Harbans Singh, who was apprehended in the present case on 13.03.2023.

During interrogation, Harbans Singh made a voluntary disclosure statement, wherein he admitted that due to mounting financial liabilities, particularly loan repayments, he became involved in the illicit trade of poppy husk. He further stated that in 2014, he had purchased an old Tata Turbo Canter bearing registration number HR-37-B-1465 and employed one Pyara Ram as its driver. He confessed that approximately four to five days prior to the interception of the vehicle, he, along with his driver Pyara Ram, was en route between Jhunjhunu and Pilani when the petitioner identified as Nishan Singh arranged for the loading of 19 plastic bags of *Chura Post* and 5 bags of *Doda Post* onto the canter. These bags were subsequently concealed under a tarpaulin sheet.

Furthermore, Harbans Singh led the police to the location where the petitioner and Pyara Ram allegedly fled the scene, abandoning the vehicle laden with contraband. During the continued course of investigation, accused Nishan Singh was arrested on 01.08.2023, and on 02.08.2023, he made a comprehensive disclosure statement admitting his involvement in the present crime. He revealed that on 23.03.2014, he, along with his nephew Gurmeet alias Geeta (the petitioner herein), Jattu alias Nihal Singh, and one Kaptaan, travelled in a Mahindra Max pickup to Jhunjhunu, Rajasthan, with the specific intent of procuring poppy husk.

They halted at a roadside *dhaba* between Jhunjhunu and Pilani, where Harbans Singh and Pyara Ram were present with the canter, then loaded with gravel. It was during this encounter that the plan to fill the canter with *Chura Post* and *Doda Post* was discussed. Later that night, the petitioner and his co-accused unlawfully entered a closed vend and removed 19 bags of *Chura Post* and 5 bags of *Kachra Doda Post*. These were initially concealed at an abandoned house situated off the Jhunjhunu–Chidawa Pilani road. The contraband was subsequently

loaded into the canter of co-accused Harbans Singh, covered with a tarpaulin, and driven away by Pyara Ram, while the others followed in their pickup vehicle.

On 24.03.2014, upon reaching the Birabaddi Canal Bridge, the canter encountered a police checkpoint. Rather than stopping, Harbans Singh and Pyara Ram forcibly broke through the barricade and fled into the village, abandoning the canter when it became immobilized in a narrow lane. They fled the scene, as did the petitioner and his associates, who absconded in their pickup vehicle.

The police recovered the canter along with the illicit consignment. Nishan Singh further disclosed that they had planned to divide the seized contraband equally amongst themselves for sale. Out of fear of being apprehended, he later sold the pickup vehicle to co-accused Kaptaan Singh, who in turn disposed of it in Punjab. However, the specific identity of the subsequent buyer remains unknown due to the demise of Kaptaan Singh in 2015.

Efforts were thereafter made to apprehend the absconding co-accused, including the petitioner. Pursuant to his disclosure, Nishan Singh led the investigating team to the site where the contraband was transferred to the canter of Harbans Singh.

## **5. Conclusion**

In light of the detailed *modus operandi* adopted by the accused, including the petitioner, and the overarching threat posed by organized narcotics trafficking operations, irrespective of whether the contraband falls within small or intermediate quantities, the need for robust investigative action becomes imperative. The legislative intent behind stringent enforcement of narcotics laws must be upheld in both letter and spirit to preserve the sanctity of the rule of law.

Given the aforementioned circumstances, it is evident that the petitioner was actively involved in the sale and transportation of contraband substances across the States of Punjab, Haryana, and Rajasthan. In order to unearth the full extent of the illegal operation, gather vital evidence, identify other co-conspirators, and secure corroborative material, custodial interrogation of the petitioner is not only justified but necessary.

Accordingly, the present petition is dismissed for being devoid of merit.

18.03.2025  
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(SANDEEP MOUDGIL)  
JUDGE

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |