



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-1376-2025

Date of decision: 07.04.2025

Jatin Arora @ Jatin

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rajiv Kumar Saini, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.261 dated 15.10.2022 under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station STF, SAS Nagar, Mohali.

2. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case and that his name does not figure in the FIR (Annexure P-1). It is submitted that the petitioner has been arrayed as an accused solely on the basis of the disclosure statement allegedly made by co-accused Gurpreet Singh alias Gopi Giani, which implicates the petitioner as a conduit for the supply of the recovered contraband. It is contended that such a disclosure



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statement, being inadmissible in evidence unless supported by independent corroboration, is insufficient to justify further incarceration of the petitioner.

3. It is further argued that no recovery of any contraband was effected from the petitioner at the time of his arrest on 06.08.2023. The petitioner has already been in custody for a considerable period and the trial is likely to be prolonged, particularly since only one prosecution witness out of 23 cited has been examined so far. It has been submitted that the investigating officer of the present case has absconded and non-bailable warrants have been issued against him, however, still he has not appeared before the learned Trial Court to get his evidence recorded. On these grounds, it is urged that further detention of the petitioner would serve no useful purpose and he be extended the concession of bail.

4. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. While referring to the affidavit of Ravisher Singh, PPS, Deputy Superintendent of Police, Anti-Narcotics Task Force, Border Range, District Amritsar, filed on behalf of the State, it is submitted that the petitioner has not approached this Court with clean hands. Material facts have been suppressed and misleading assertions have been made before the Court, including the false statement on the previous date of hearing as well as today that the investigating officer had absconded and that non-bailable warrants had been issued against him, whereas no such orders were ever passed by the learned Trial Court. In support,



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learned State counsel has drawn the attention of this Court to the zimni orders which have been annexed along with the affidavit filed.

5. Learned State counsel has further highlighted the factual background of the case. It has been submitted that the FIR in question was initially registered on the basis of specific and credible secret information received by the police regarding the involvement of co-accused Lucky Kang and his nephew Karan in large scale heroin smuggling. Subsequent investigation revealed the existence of a wide and well-organized drug syndicate involving several other accused, including Bhupinder Singh alias Sonu Kangla, Abhishek Sharma alias Shanky, Gurpreet Singh alias Gopi Giani, and the present petitioner.

6. It is further submitted by the learned State counsel that co-accused Gurpreet Singh alias Gopi Giani was arrested on 05.08.2023. During interrogation, he disclosed that approximately 4-5 days prior to his arrest, he had been supplied with 05 kgs of heroin by Bhupinder Singh alias Sonu Kangla through the present petitioner, Jatin Arora, who is lodged in Central Jail, Amritsar. He also disclosed that the heroin was further distributed on the directions of co-accused Bhupinder Singh alias Sonu Kangla.

7. On 06.08.2023, the petitioner was then nominated as an accused in the present case and his production was secured through warrants. Learned counsel for the State submits that further disclosure made by co-accused Gurpreet Singh alias Gopi Giani on 07.08.2023 stated that, acting on instructions from accused Bhupinder Singh alias Sonu Kangla, he had contacted the petitioner in jail to establish



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communication with another accused, Bikramjit Singh alias Bikka alias Gora, who had recently been transferred to the same jail. This enabled further coordination of heroin transactions.

8. Learned State counsel has still further submitted that during the interrogation of the petitioner, it came to light that he had been regularly facilitating WhatsApp calls between accused Gurpreet Singh and Bikramjit Singh from jail. The petitioner also admitted to destroying his mobile phone upon learning of accused Gurpreet Singh's arrest. Notably, the petitioner further named another individual Dhruv, as being part of the narcotics network, who was subsequently nominated as a co-accused.

9. Learned State counsel has still further submitted that while no recovery was made from the petitioner himself, he is clearly a vital link in a well-entrenched and far-reaching drug distribution network. The role attributed to the petitioner is not peripheral or incidental but forms an essential part of the broader criminal conspiracy.

10. Additionally, it has been pointed out by the learned State counsel that as many as 09 criminal cases, including 03 under the NDPS Act, are pending against the petitioner. Pertinently, his name also figures alongside co-accused Bhupinder Singh in FIR No.280 dated 08.10.2020, registered under the Arms Act. The cumulative material, therefore, reflects not only a *prima facie* active involvement in the present offence but also that the petitioner is a habitual offender. However, learned State counsel has not disputed the custody period of the petitioner or the stage of trial.



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

12. While it is correct that the petitioner was not named in the FIR and no physical recovery of any contraband has been made from him, it is equally clear that the investigation has unearthed significant evidence suggesting the involvement of the petitioner in an organized drug trafficking network. The disclosure statements of co-accused, though not substantive evidence *per se*, gain weight when considered in conjunction with the other incriminating material which has come to light during investigation in the present case, including recoveries of huge quantity of heroin from co-accused, and the overall chain of circumstances, all of which indicates the *prima facie* complicity of the petitioner in the offence. The criminal antecedents of the petitioner tilt the balance against the grant of bail, especially in the light of the rigorous restrictions imposed under Section 37 of the NDPS Act.

13. The quantity of heroin recovered in the case 05 kg, is multiple times over the threshold of 'commercial quantity' under the NDPS Act. The magnitude of the offence and the apparent nexus of the petitioner with the core members of the drug cartel underscores the grave threat posed to society, particularly to the younger generation.

14. In view of the seriousness of the offence, the antecedents of the petitioner, this Court does not deem it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is hereby dismissed.

15. However, it is made clear that anything observed

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hereinabove shall not be construed to be an expression of opinion on the merits of the case.

07.04.2025

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No