

CRM-M-3796-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3796-2025
Reserved on: 07.03.2025
Pronounced on: 21.03.2025

Daljeet Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rishu Mahajan, Advocate
For the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
82	19.11.2023	Verka, District Amritsar	21(C), 29 of NDPS Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking quashing of the order dated 18.12.2024, vide which the Additional Sessions Judge Amritsar had cancelled the bail of the petitioner.
2. In paragraph 12 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are taken from the reply filed by the State. On 19.11.2023 based on chance recovery, the Police seized 600 intoxicant tablets Tramadol Hydrochloride from the possession of Dajit Singh @ Sonu (present petitioner) and 1380 intoxicant tablets tramadol hydrochloride and 200 intoxicant tablets tramadol hydrochloride from accused Japsimran Singh @ Jap. The Investigator claims to have complied with all the statutory requirements of the NDPS Act, 1985, and CrPC, 1973.
4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.
5. The State's counsel opposes bail and refers to the reply.
6. It would be appropriate to refer to the following portions of the reply, which read

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as follows:

“That it is respectfully submitted that keeping in view the totality of the facts and submissions made hereinabove, it is evident that the present petitioner Daljit Singh @ Sonu and co-accused Japsimran Singh were involved in illegal business of selling intoxicant tablets and commercial quantity of 1380 intoxicant tablets were recovered from their conscious possession which were supplied to them by the co-accused Amritpal Singh. The present petitioner Daljit Singh @! Sonu was granted relief of interim bail by the Court of learned Additional Sessions Judge, Amritsar with a condition to surrender before the learned trial Court, if upon receipt of the report of FSL, the quantity of contraband recovered from them comes to be commercial quantity but the present petitioner Daljit Singh @ Sonu and co-accused Japsimran Singh have violated the condition and have misused the concession of interim bail granted to them and they have not surrendered before the learned trial Court despite te learned trial Court has issued notice, bailable and non-bailable warrants of arrest qua them which are in their well knowledge but they both have been absconding and concealing themselves in order to avoid their arrest. As the contraband recovered in this case from the present petitioner-accused Daljit Singh @ Sonu and co-accused is of commercial quantity; hence, the rigors of Section 37 NDPS Act are applicable in this case. Hence, no cause of action has arisen in favour of the present petitioner -accused Daljit Singh @ Sonu for setting aside the impugned order dated 18.12.2024 assed by the Court of learned Additional Sessions Judge, Amritsar. Therefore, the present petition is liable to be dismissed.”

REASONING:

7. The petitioner was earlier granted bail not on merits of the case but on the grounds of non-availability of FSL report. The Special Judge while granting bail explicitly clarified that bail was subject to result of chemical examiner.

8. As per short reply, the report of the chemical examiner has been received, as per which, tramadol was found in the contents. The recovery from the petitioner is of 600 intoxicant tablets and prima facie the quantity of tramadol falls under the commercial quantity. Thus, the petitioner is not entitled to bail. Further there is sufficient evidence implicating the petitioner which has been mentioned in the short reply dated 03.03.2025, which is extracted hereunder:-

“That during investigation, the accused Japsimran Singh @ Jap suffered disclosure statement that the above recovered intoxicant tablets were brought by his elder brother Amritpal Singh and transaction of money is

also being done by Amritpal Singh. He only knows that the name of the person from whom Amritpal Singh gets consignment of intoxicating tablets is Deepak R/o Agra and his mobile Nos. are 88659-xxxxx and 70889-xxxxx. Only Amritpal Singh knows complete address of the above said Deepak. He (Japsimran Singh) had met the above said Deepak once near one Gurudwara at Agra. It was also disclosed by Japsimran Singh that the payments of the purchased intoxicating tablets were used to be made by him as per instructions of his brother Amritpal Singh to one person namely Munna Bai near Bus Stand, Ludhiana having shop namely Krishna Tiles near ESI Hospital to Kochhar Market Road, Ludhiana. Mobile number of Munna Bai is 93570-xxxxx and apart from this, one more unknown person whose name is not known to him and his mobile number is 95013-xxxxx which is saved in his mobile in the name of MN ENTERPRISES, he used to give him money near Ludhiana Bus-Stand. Apart from this, one more person whose mobile number is 96466-xxxxx and which is saved in his mobile phone in the name of Dr. P.P is also involved in their business and they used to bring intoxicant tablets for him and on the saying of his brother Amritpal Singh, he used to bring payment from him also. He used to give parcel of intoxicant tablets after changing place near India Gate and also used to bring payment after changing place. His complete address is only known to his brother Amritpal Singh.

9. That during investigation, based upon the aforesaid disclosure statements suffered by the accused Japsimran Singh @ Jap, the aforementioned persons namely Deepak R/o Agra (mobile no. 86659-xxxxx+70889-xxxxx), 2. Munna Bai C/o Krishan Tile, Near ESI Hospital to Kochhar Road, Ludhiana (mobile No.93570-xxxxx), and Dr. P.P. (mobile no. 96466-xxxxx) were nominated in the case vide GDR No.55 dated 24.11.2023.

10. That during investigation, the call details record and customer application forms relating to aforesaid mobile No.93570-xxxxx, 96466-xxxxx and 95013-xxxxx were obtained. As per which, the aforesaid mobile number 93570-xxxxx was found in the name of one Jaideep Singh s/o Vikramjit Chauhan R/o House No.515, Sita Nagar, Lakshmi Narain Mandir, Bus Stand, Ludhiana, Mobile No.96466-xxxxx was found in the name of Jarman Singh s/o Nirvail Singh R/o Bye-pass, India Gate, Gumanpura, Amritsar and mobile No.95013-xxxxx was found in the name of Jatinder Kumar s/o Chhawra Jasuji R/o 1088, Sector 43-B, Chandigarh.

11. That during investigation, on 25.11.2023, SHO PS Verka, Amritsar reached the above said Krishna Tiles, ESI Hospital to Kochhar Market Road, Ludhiana where Manoj Bai Detreja Patel s/o Praveen Bai Ro 131, Shastri Nagar, P.S. Division No.05, Ludhiana was found present at his shop. He was joined investigation, who stated that the above said mobile no. 93570-xxxxx belongs to one Jaideep Singh Chauhan @ Munna Bai s/o Vikramjit Thakur R/o Sita Nagar, Lakshmi Narain Mandir, Ludhiana who had taken one cabin on rent in Rs. 10,000/- in his shop. He was doing serving in Mukesh Narayan Aagriya Service Company Ahmedaba, Gujarat and was running its branch. Jaideep Singh Chauhan @ Muna Bai has gone to his house in Gujarat. Munna Bai is doing service work of Agaria for the last 15/17 years. Manoj Bai Deteraja further stated that he might have received payment from some person on behalf of the above said Jaideep Singh Chauhan @ Muna Bai but he is not involved in any criminal activity.

12. That during investigation, on 16.12.2023, the investigating Officer-respondent No.4-ASI Jiwan Singh analysed 'WhatsApp' account of the above said mobile number 70889-xxxxx with the help of Operational Cell, Amritsar technically, which was figured in the disclosure statement of the above accused Japsimran Singh and Internet Protocol Detail Report of this mobile number was also obtained. Upon making analysis, one mobile no. 70176-xxxxx was found and as per IPDR, internet was being used on above said mobile number 70176-xxxxx from mobile number 70889-xxxxx. The customer application form (CAF) of this mobile number 70889-xxxxx was obtained and it was found in the name of Pulkit Aggarwal S/o Banke Lal Aggarwal R/o Loha Mandi, Agra. Therefore, based upon the aforesaid information gathered during investigation, on 17.12.2023, the Investigating Officer along with other police officials had gone to Agra (UP) for the purpose of investigation so as to investigate the aforesaid facts which had come forth during investigation and in order to arrest the above said accused Pulkit Aggarwal.

13. That on 19.12.2023, the investigating officer alongwith fellow police officials reached Loha Mandi, Agra, Uttar Pradesh, got registered GDR No.41 dated 19.12.2023 at local police station Hari Parba, Agra, Uttar Pradesh and after taking along the police officials from local police station reached the house of the above said Pulkit Aggarwal s/o Banke Lal Aggarwal R/o House No.22/71, Bagh Anta Loha Mandi, P.S. Loha Mandi, Agra where Pulkit Aggarwal's uncle namely Anurag Aggarwal was found present at home. He told that his nephew Pulkit Aggarwal is doing business of medicines. He gets parcels of medicines from different

transports and supplies further to different medical stores. His mobile number is 70176-xxxxx and his (Pulkit Aggarwal) photo is pasted on his CAF and it was disclosed that currently Pulkit Aggarwal has gone outside for his business.

14. That thereafter, during investigation, on the same day i.e. 19.12.2023, the police party had gone to the address of one Ashok s/o Mohan Lal R/o 25/90, Pul Chhinga Modi, Loha Mandi, Agra (U.P.) which was found in CAF of above said mobile number 70889-xxxxx. The above said Ashok along with his sister-in-law Kamlesh was found present at home. It was found that the above said Ashok is a simple (mentally upset) person by birth. The photograph of Ashok is pasted on the CAF of above said mobile number 70889-xxxxx. Kamlesh stated that this mobile number 70889-xxxxx had been taken from Ashok while making him drink liquor by above said Pulkit Aggarwal. The photograph of Pulkit Aggarwal available on CAF of above said mobile number 70176-xxxxx was identified by Kamlesh. The statement of Kamlesh was recorded under Section 161 Cr.P.C. by the Investigating Officer. On the same day i.e. 19.12.2023, the Investigating Officer had visited the address of Sachin Kumar S/o Raj Kumar R/o Nehru Palace, near Mandi Samiti, Kaberpur, Agra, UP whose address was found in CAF of the above said mobile number 88659-xxxxx. Sachin was not found present at home and his mother Poonam stated his mobile number was being used by her son Sachin and this mobile number was misplaced from him about 04 months ago. Sachin joined the investigation on 21.12.2023 and stated the same facts that the above said mobile SIM was misplaced from him about 04 months ago, but he did not lodge any missing report. The investigating officer made efforts to arrest the above said Pulkit Aggarwal but he could not be arrested. During investigation, on the basis of the evidence came on record, the above said Pulkit Aggarwal S/o Banke Lal Aggarwal R/o 22/71, Bangta, Loha Mandi, Agra, Uttar Pradesh was nominated as co-accused with correct name and address in the aforesaid case FIR No. 82/2023 (supra) vide GDR no. 15 dated 24.12.2023 by the Investigating Officer ASI Jiwan Singh.

15. That during investigation, the above said accused Japsimran Singh who has been released on bail by the learned Court, joined the investigation on 01.02.2024 and he was shown photograph passed on customer application form of the above said mobile phone number 70176-xxxxx, who identified that photo of Pulkit Aggarwal as that person who used to tell his name as Deepak and had met him once near Gurudwara sahib, Agra, Uttar Pradesh. The memo of identification was prepared in

this respect on 01.02.2024 by the Investigating Officer ASI Jiwan Singh.

16. That it is submitted that during investigation, the co-accused Amritpal Singh, who was already in judicial custody in case FIR No.169 dated 14.07.2024 under Section 21/29 of NDPS Act, Section 25 Arms Act, Police Station Navi Baradari, Jalandhar at Central Jail, Kapurthala, was brought on production warrant on 06.09.2024. He was arrested in the present case with the permission of the learned Magistrate and his police remand was obtained from the learned Court of Ld. JMIC, Amritsar.

17. That it is submitted that during investigation the co-accused Amritpal Singh was subjected to interrogation, during which the co-accused Amritpal Singh made a voluntary disclosure statement dated 08.09.2024 before the investigating officer that he was running a wholesale medical store in the name of Tripat Medical Store, at bazaar Gurudwara Nanaksar, Verka, Amritsar. He (Amritpal Singh) along with his brother Japsimran Singh @ Ja, Yuvraj Singh and their friend i.e. present petitioner-accused Daljit Singh @ Sonu were having joint business of this shop. The present petitioner-accused Daljit Singh @ Sonu was running his clinic in the name of Daljit Clinic. Amritpal Singh posted a post on social media qua his business then Amritpal Singh came in contact with one Deepak R/o Agra. The photo pasted on CAF available in the case file is of that Deepak R/o Agra, whose actual name is the above said Pulkit Aggarwal. Pulkit Aggarwal had met Amritpal Singh 1 to 2 times at Gurudwara of Agra but he had told his name Deepak and used to make WhatsApp calls to him from mobile phone number 96435-xxxxx on mobile phone number 70176-xxxxx. The intoxicant tablets which have been recovered from his (Amritpal Singh) brothers and present petitioner Daljit Singh, the same were being sent to all of them through courier by the above said Deepak (Pulkit Aggarwal) and as per his (Pulkit Aggarwal), directions, Amritpal Singh used to give amount to different persons and his brother Japsimran Singh had given money to him (Pulkit Aggarwal) at Gurudwara Agra. Amritpal Singh used to further supply the intoxicant tablets to his customers through his brothers and their friend i.e. present petitioner Daljit Singh @ Sonu.”

9. The arguments of the petitioner’s counsel that it is a case of bail jump, are misconceived. It is for the reason that after the petitioner was granted interim bail subject to FSL, instead of surrendering he tried to take up the plea of bail being rejected as bail jump which is not a correct position. In fact order dated 01.02.2024 was explicitly passed because of the non-filing of FSL and subject to surrender in case quantity is found to be commercial. Despite that, petitioner failed to join and tried to take false plea of bail jump.

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10. Given above there is prima facie evidence. As per FSL and order passed by the trial Court, quantity involved is commercial and rigor of Section 37 of NDPS Act apply in this case. Since the petitioner fails to honour the order of the Court by surrendering, proceeded to take false plea, as such he is not entitled to bail.

11. **Petition dismissed.** Petitioner shall be at liberty to file a regular bail petition either before this Court or the trial Court, after satisfying the conditions of Section 37 of NDPS Act including the sufficient pre-trial incarceration. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

21.03.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.