

2025:PHHC:050012



221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17635-2025
DECIDED ON: 07.04.2025

BACHITTAR SINGH @ BITTA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Ankush Dhanerwal, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J

1. Relief Sought

This is the third petition filed by the petitioner under Section 483 of BNSS, 2023 for grant of Regular Bail in case FIR No. 147, dated 23.05.2023, under Sections 21(c), 23, 25, 27-A and 29 NDPS Act, 1985 and Section 25 of Arms Act and Sections 10, 11, 12 of Air Craft Act, registered at Police Station Special Task Force, SAS, Nagar (Mohali).

2. Facts

The prosecution story as set up in the present FIR reads as under:-

Copy ruqa, " Station House officer STF/SAS Nagar Mohali Jai Hind, Today I, SI alongwith SI Dilbagh Singh No 835/ASR, SI Anokh Singh 861/TT, ASI Shamsher Singh 3216/ASR-C, ASI Kashmir Singh 1684/ASR-C, ASI Gursewak Singh 557/TT, L/ASI Maninderjit Kaur 1378/TT, HC Jatinder Singh 3041/ASR-C, HC Jagrup Singh 3869/ASR-C, CC-II Ajay Kumar 2967/ASR-C, HC Gagandeep Singh 7/419, C-II Khushkaran Singh 4/632, Ct. Shamsher Singh 9/287, Ct Gaganjot Singh 5/442, Ct. Sandeep Singh 4/625, alongwith laptop, printer on government vehicles PB-02 BN 0888, PB-65-AS-5414, in relation to search of drug smugglers were present at Lopoke Chowk, Amritsar Rural, that a secret informer came

to me at around 6.00 AM and informed that "Lakhbir Singh @ Lakha son of Ajit Singh, R/O Village Chak Misri Police Station Lopoke Amritsar Rural wanted in STF Case No. 92/2022, who smuggles heroin and illegal ammunition from Pakistan through drones across the Pakistan border. Who in the evening of 22-05-2023, rode in his Creta car white colour number PB02-DE- 1236, took a large consignment of heroin and ammunition and one drone to his acquaintance Jagpreet Singh son of Late Narinder Singh resident of Village Karrial, Police Station Bhindi Saidan Amritsar and is staying at the house of Jagpreet Singh, and if the house of Jagpreet Singh son of Late Narinder Singh resident of Village Karrial, Police Station Bhindi Saidan Amritsar is raided, heroin and illegal weapons and drones can be recovered from the house and the car. Lakhbir Singh @ Lakha, attributes age is around 28/29 years old, height 5/10/11 inches, cut-surd(mulla) fashion, good health. From this information, I, SI informed through Mobile Phone Team Incharge Mr. Vavinder Kumar PPS/DSP/STF/BR/ASR, the secret informer was sent back and, the colleague employees were informed about this secret information, then as per the secret information, raid was conducted along with the police party, at the house of Jagpreet Singh son of Late Narinder Singh, resident of village Karrial, when the door of the house was opened, there was a young man lying in the bedroom of the house with the same physical attributes as informed by the secret informer. He was made to stand and I, SI asked him about his Name, Address and he upon my asking told his name and address that he is Lakhbir Singh @ Lakha son of Ajit Singh, resident of village Chak Misri Khan, Police Station Lopoke, Amritsar Rural, to whom, I, SI informed him about myself, my name, rank and posting and informed about the secret information, and conducted interrogation, during interrogation Lakhbir Singh @ Lakha above told that for a long time I have been ordering heroin and ammunition consignments from Pakistan across the border through drones, and further supply the same to the drug smugglers and ammunition smugglers and even at present, an envelope of heroin is lying under driver's seat of my white creta car and a rifle in the dickey of the car and an illegal pistol; is lying in the dashboard of the car. In the same house in another room, in a box a drone is kept, which I have ordered from Delhi. On which I, SI informed Mr. Vavinder Kumar PPS/DSP/STF/BR/ASR through mobile phone and informed him about the situation and requested him to reach at the spot and got busy in finding public witness to join the police party. However, after much effort no public witness came forward to join the police party in fear of enmity. After some time Mr. Vavinder Kumar PPS/DSP/STF BR/ASR along with ASI Harpal Singh 3874/ASR, ASI Harjit Singh 9/65, Ct. Malkiat Singh 5/99 in a government vehicle PB08-DS-0932 reached the spot, who were informed about the whole situation, then accused Lakhbir Singh @ Lakha proceeded in the presence of the police party and DSP Sahib

and Opened the driver side door of his create white color car number PB 02-DE-1236 and took out one heavyweight packet by his own hand and presented before me which I, Si in the presence of DSP Sahib and police party opened the packet and after checking, heroin was found in the packet on weighing the recovered with the help of electronic scale it came to be 01 kg 600 gm. Then the recovered heroin was kept in the same polythene packet and cloth parcel was prepared. Meanwhile, during the search of his car, a 32 bore pistol was recovered from the dashboard of his car on which IN GS – 170107218 Indian Ordinance Factory was written. A Separate sketch was prepared for pistol 32 and was packed into parcel of cloth, on further checking of the car's dashboard a tab of a Samsung company was found inside the dashboard, the same was kept in separate cloth parcel. After that on further checking of the car rifle of 315 bore, bearing body no. 1975/18 TONS-AB08- 05974, was recovered in the dickey of the car, of which separate cloth parcel was prepared. Then, parcel of Heroin, parcel of Pistol 32 Bore, parcel of Samsung Tab and parcel of Rifle 315 Bore were sealed by I, SI with his seal BS and DSP Sahib sealed with his seal VK. The sample seal was prepared separately, then I, SI handed over the seal to SI Anokh Singh 861/TT and DSP Sahib kept the seal with himself. The recovered 01 kg 600 gm heroin, 01 pistol 32 bore, 01 rifle 315 bore and 1 police samsung tab was taken into police possession through separate memo and recovered creta white color car bearing no. PB02-DE-1236 was also taken into police possession through separate memo of recovery and the memo was signed by the witnesses. Then as per confession of Lakhbir Singh @ Lakha during interrogation, by walking ahead of police party nishandehi of the spot was made and proceeded towards other room of the house where Lakhbir Singh @ Lakha himself opened the box lying in that room and a drone was recovered from that box, when drone was checked it was marked as DJI Metric 600 Pro, FCC-ID, 333 PM8201512, IC 11805A-PM 8201512, Made in China was recovered, the recovered drone was kept in same box and was taken in police possession through separate memo. Accused Lakhbir Singh Alias Lakha son of Ajit Singh, resident of Village Chak Misri Khan, Police Station Lopoke, Amritsar Rural, by keeping in his possession Heroin, Illegal Arms and for Drug Trafficking kept a drone has committed the offence of 21-C/23/25/61/85 NDPS Act & 25/54/59 of Arms Act. To register the case against him a computerized letter (ruqa) is sent through WhatsApp in a mobile phone and email psstfsasnagar@gmail.com to Police Station STF Mohali is sent. After registration of the case and the FIR no. be disclosed to I, SI, through e-mail baljindersinghuppall1035@gmail.com, and a special report should be issued and be sent to the District Magistrate Sahib and Senior Officials, control room be informed, still the original Ruka is sent through Ct. Sandeep Singh 4/625 by hand to the police station. I, SI including police party is busy investigating at the spot,

today at the area of village Karrial, police station Bhindi Saidhan Amritsar rural, time 11.55 AM, Baljinder Singh SI STF/Border Range District Amritsar Dated 23-05-2023 on receiving Ruqa, case was registered against accused Lakhbir Singh alias Lakha in the above mentioned section. Copy of FIR as special report are being sent to Hon'ble District Magistrate Sahib and Senior Officials via email psstfsasnagar@gmail.com to mail baljindersinghuppall1035@gmail.com. Investigating officer should send the special reports in the service of Illaga Magistrate and to senior officials. Still the hard copy of FIR alongwith original Ruqa be sent by hand through constable Sandeep Singh 4/625 on his arrival to Baljinder Singh SI STF Border Range Amritsar. MHC P.S was instructed to complete the record."

3. **Submissions**

On behalf of the Petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case solely on the basis of disclosure statement suffered by the co-accused namely Lakhbir Singh @ Lakha on 23.05.2023 wherein, he has alleged that he purchased 2.5 Kg heroin and further it was to be sold through the present petitioner for a sum of Rs.40,00,000/-.

On behalf of the State.

Learned state counsel has produced the custody certificate which is taken on record. According to which the petitioner has suffered incarceration for a period of 1 year 5 months and 30 days, as of now. He prays for dismissal of the present petition stating that the petitioner is also involved in two other case of similar nature, meaning thereby, he is a habitual offender and there is every possibility in case he is enlarged on bail he shall indulge again in similar activity.

Heard learned counsel for the respective parties at length.

5. **Analysis**

This court is conscious that generally in everyday terms, the principle of law dictates that bail is the general rule, while jail is the exception. However, this Court acknowledges that the power to grant or deny bail is extraordinary and must be exercised with caution. It is well-established that when considering a bail

application (whether pre-arrest or regular bail), the Court must form a prima facie opinion as to whether reasonable grounds exist to support the accusation, or if the accusation is frivolous and baseless possibly made with the intention of harming or humiliating the individual, or falsely implicating them in the crime. This evaluation must be conducted in the light of self-imposed restrictions and the broader legal parameters outlined.

An additional aspect that must be considered by this court is the frequent practice where individuals are implicated under Section 29 of the NDPS Act assert that they were neither present at the scene nor had any contraband in their conscious possession. Taking advantage of this defense, many such accused persons are granted bail. However, this practice needs to be addressed, as individuals targeted under Section 29 are often the primary masterminds behind the drug trafficking networks, orchestrating operations from a distance while using others, typically those found in direct possession of the drugs, as scapegoats. Consequently, the court is of the firm opinion that in such cases, these individuals should be held equally accountable and should not be afforded any leniency.

Furthermore, the drug is a social malady, while drug addiction eats into the vitals of the society whereas drug trafficking not only eats into the vitals of the economy of a country, but illicit money generated by drug trafficking is often used for illicit activities including encouragement of terrorism. The devastating effects of narcotic drugs on any person who comes to its touch are too well known. Normally, such a person ceases to be a normal human being, and is more or less reduced to zombie living animal existences and rushing fast to meet the maker. Divine qualities of an individual who consumes narcotic drugs disappear and they are the first sacrifices one normally makes while falling prey to use of drugs. Anxiety of legislature is to prevent the adverse affect of such drugs and substances on the society.

As can be culled out from the facts of the present case, the petitioner has been nominated on the basis of disclosure statement suffered by co-accused Lakhbir Singh @ Lakha wherein, he disclosed that he along with Bikram Singh brought 2 kgs and 500 grams of Heroin from Pakistan about one year ago and they sold the same through the present petitioner. Accordingly, the petitioner has been nominated as an accused in the present case vide DDR No. 16, dated 03.06.2023. The alleged recovery from the possession of the co-accused Lakhbir Singh @ Lakha of the present petitioner is 1 Kg and 600 grams of Heroin, which falls under the ambit of commercial quantity, which attracts Section 37 of NDPS Act.

6. **Conclusion**

In the light of above, discussions made and the modus operandi of the kingpins engaged in illicit activities, must be met with unwavering resolve and stringent action. The intent of the legislature and the sanctity of the rule of law must be upheld at all costs, and cannot be allowed to be undermined, regardless of the quantity involved.

Keeping in view the afore-said facts and circumstances and nature of averments, the petitioner does not deserve the concession of regular bail.

However, it is made clear that the observations made herein above shall have no bearing in the mind of the trial court while adjudicating the matter in accordance with law.

(SANDEEP MOUDGIL)
JUDGE

07.04.2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No