



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

CRM-M-26916-2025

Date of Decision:16.05.2025

Pappu Singh @ Pardeep

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Navjot Singh, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of B.N.S.S with a prayer to grant anticipatory bail to him in case FIR No.62, dated 20.04.2025, under Sections 15 (C) and 60 NDPS Act and Section 341 of B.N.S, registered at Police Station Bahu Akbarpur, District Rohtak (Annexure P-1).
2. The F.I.R in the present case was registered on the basis of the statement made by ASI Sandeep Kumar and the same has been reproduced below:-

“To respected sir, SHO, PS Bahuakbarpur, District Rohtak, Jal Hind Today, ASI Sandeep Kumar (No. 1091/RTK), along with police personnel EHC Sanjay (1163/RTK), EHC Pramod (2296/RTK), Constable Sandeep (235/RTK), and vehicle driver EHC Kapil (838/RTK), were present at Sugar Mill, Bhiwani Road, near village Bhali Anandpur, Rohtak, for a narcotics search operation. We were equipped with a laptop, HP printer, and official vehicle bearing registration number

HR12GV-3831. During the operation, a secret informer approached ASI and provided reliable information. The informer stated that two individuals Ekpreet Singh, son of Ramlal, resident of Kila Patti, Handiya, District Barnala, Punjab, and Gurpreet Singh, son of Gurjant Singh, resident of village Janeri, Tehsil Bawanigarh, District Sangrur, Punjab were transporting a large quantity of drugs in a white Hyundai Verna car with registration number RJ 14 CT 5151, they are expected to travel towards Punjab via outer bypass, Sunaria, Rohtak, passing through Sanpla. As they are carrying narcotics substance, if a barricading be done at the outer bypass then they can be apprehended with narcotics substance. Believing the information to be true and credible, I immediately informed my team and a notice under Section 42 of the NDPS Act was prepared, and a corresponding a roznamcha was prepared and sent to Police Station Bahu Akbarpur through Ct. Sandeep (235/RTK) and I, ASI along with my team, on government vehicle, reached the outer byepass, near village Dobh on Rohtak-Manaudi Road, under-construction flyover, and established a blockade (naka). After a short while, as per the secret informant a white Hyundai Verna matching the description was seen approaching from Sanpla, upon checking, its number plate was found to be RJ 14 CT 5151, and two young men were seated in the front seats. After that ASI Sandeep Kumar 1091 and as the vehicle approached, we stopped it by positioning the government vehicle in the middle of the road. However, the driver tried to reverse and flee, acting swiftly, my team and I broke the vehicle's glass and managed to apprehend both individuals and upon being taken out of the vehicle and asked for identification, then driver of the said vehicle identified himself as Ekpreet Singh, son of Ramlal, resident of Kila Patti, Ward No. 04, Handiya, District Barnala, Punjab and second individual identified himself as Gurpreet Singh, son of Gurjant Singh, resident of village Jhaneri, Tehsil Bawanigarh, District Sangrur, Punjab. Following this, I, ASI Sandeep Kumar issued a

notice under Section 50 of the NDPS Act to the suspects and ASI Sandeep Kumar 1091/RTK, ANC posted at STAFF ROHTAK, I informed to Ekpreet Singh, son of Ramlal, resident of Kila Patti, Ward No. 04, Handiya, District Barnala, Punjab clearly that I have reason to believe that narcotics are present in the vehicle driven by you, so it is believed that there is some suspicious substance present in the vehicle which needs to be searched, it was informed that under section 50 of the NDPS Act, the suspect has the legal right to have his personal and the vehicle, a white Hyundai Verna bearing registration number RJ 14 CT 5151 can be searched in the presence of a Magistrate or a Gazetted Officer, who can either be called to the spot or the you can be taken to them. Accordingly, a notice under Section 50 of the NDPS Act was prepared, read aloud, and explained to the suspect Ekpreet Singh. The suspect Ekpreet Singh and the witnesses signed the said notice. Thereafter, the suspect Ekpreet Singh verbally stated that he is unable to write in Hindi, and further stated that "I am Ekpreet Singh, son of Ramlal, resident of Kila Patti, Ward No. 04, Handia, District Barnala, Punjab, I have studied up to 9th class. I can read Hindi, but I do not know how to write in Hindi. I have read and understood your notice under Section 50 of the NDPS Act, and you have also read the notice out to me. I want my personal search and the search of my vehicle number RJ 14 CT 5151, Hyundai Verna, to be conducted in the presence of a gazetted officer. Who should be called to the spot." Following this statement, the suspect Ekpreet Singh and the witnesses signed the reply notice. After that, I, ASI Sandeep Kumar (No. 1091/RTK), ANC Staff, posted at Rohtak, issued a written notice under Section 50 of the NDPS Act to the second suspect Gurpreet Singh, son of Gurjant Singh, resident of Jhaneri, Tehsil Bawanigarh, District Sangrur, Punjab, Police Station Bawanigarh. I informed him as that I have reason to believe that you are in possession of narcotic substances, and it is necessary to conduct a search of your person as well as the

vehicle you are sitting in a white Hyundai Verna bearing number RJ 14 CT 5151. As per your legal right under Section 50 of the NDPS Act, you may choose to have your person and the vehicle searched either by a Magistrate or a Gazetted Officer, who can be called on the spot or you can be taken to them. A notice under Section 50 of the NDPS Act was prepared, read aloud, and explained to suspect Gurpreet Singh. The suspect Gurpreet Singh and the witnesses signed the said notice. Thereafter, the suspect Gurpreet Singh verbally stated that he is incapable of writing in Hindi, and made the following statement that I, Gurpreet Singh, son of Gurjant Singh, resident of Jhaneri, Tehsil Bawanigarh, District Sangrur, Punjab, have studied up to 12th class. I can read Hindi, but I do not know how to write in Hindi. I have read your notice under Section 50 of the NDPS Act and understood it completely, and you have also read the notice out to me. I want my personal search and the search of my vehicle number RJ 14 CT 5151, Hyundai Verna, to be conducted in the presence of a Gazetted Officer. Who should be called to the spot. Following this statement, the suspect Gurpreet Singh and the witnesses signed the reply notice. After that, I ASI Sandeep Kumar 1091 contacted Gazetted Officer Rakesh Kumar, HPS, Deputy Superintendent of Police, Kalanaur, District Rohtak, on mobile number 7082999105 from his own mobile number 7988088128 and informed him about the situation and requested him to reach the spot. The Gazetted Officer responded that he would be reaching the spot shortly. In the same case, Constable Sandeep 235, after getting the report (roznamcha) registered under Notice 42 NDPS Act, arrived at the spot and presented a copy of report number 18 dated 20.04.2025 to the ASI of Police Station Bahu Akbarpur, Rohtak. After some time, Gazetted Officer Rakesh Kumar HPS, Deputy Superintendent of Police, Kalanaur, District Rohtak, arrived at the spot in a government passenger vehicle and he introduced himself by name and designation to all those present there. As per the oral orders of Gazetted Officer

Rakesh Kumar HPS, Deputy Superintendent of Police, Kalanaur, Rohtak, the personal search of ASI Sandeep Kumar 1091/RTK was carried out by EHC Pramod Kumar 2296/RTK in the presence of suspects Ekpreet and Gurpreet, and in the presence of independent witness Naresh. During the search, no suspicious object was found on ASI Sandeep Kumar 1091 that could be taken into police custody. A report regarding non-recovery from the personal of ASI Sandeep Kumar 1091 search was filed, which was signed by suspects Ekpreet and Gurpreet as well as the witnesses. Thereafter, the search of suspect Ekpreet Singh, son of Ramlal, resident of Kila Patti, Ward No. 04, Handiya, District Barnala, Punjab, and suspect Gurpreet Singh, son of Gurjant Singh, resident of Jhaneri, Tehsil Bawanigarh, District Sangrur, Punjab, was carried out. In addition, the search of vehicle number RJ14CT-5151, Hyundai Verna, belonging to the suspects Ekpreet and Gurpreet, was conducted by ASI Sandeep Kumar 1091 ANC Rohtak, in accordance with the verbal order of Gazetted Officer Rakesh Kumar, HPS, Deputy Superintendent of Police, Kalanaur, Rohtak. Firstly, suspect Gurpreet was searched as per the law. During the search, a Samsung mobile phone and currency notes amounting to Rs. 5000/- were recovered from the right pocket of the jeans he was wearing. Thereafter, suspect Ekpreet was searched as per procedure, and an Apple mobile phone was found in the right pocket of his lower. Following this, the vehicle bearing number RJ14CT-5151, Hyundai Verna, belonging to suspects Ekpreet and Gurpreet, was searched. During the search, four grey-coloured plastic bags were found on the rear seat of the vehicle. These bags were then removed from the vehicle. Five grey-coloured plastic bags were also found in the trunk of the car, which were likewise taken down from the car. When all 9 plastic bags were opened and examined in the presence of the Gazetted Officer, narcotic substance poppy husk (doda post) was found in all the plastic bags, as per the experience and assessment of ASI Sandeep

Kumar 1091. The plastic bags of poppy husk recovered were then marked with serial numbers 1, 2, 3, 4, 5, 6, 7, 8, and 9. Thereafter, Man ASI took out the poppy husk from plastic bag numbers 1 and 2 and placed it into an empty plastic bag he had with him, on which number 1 was written. This new bag was marked and weighed using the electronic weighing scale available with him. The weight of the poppy husk in bag number 1 was found to be 29 Kg 040 Grams, next, the poppy husk from plastic bag numbers 3 and 4 was taken out and placed into another empty plastic bag available with him, on which serial number 2 was marked. When weighed using the electronic weighing scale, the weight of poppy husk in bag number 2 was found to be 29 kg 790 grams. Thereafter, the poppy husk from plastic bags 5 and 6 was transferred into another empty plastic bag, on which serial number 3 was marked. On weighing, the poppy husk in bag number 3 was found to weigh 29 kg 820 grams. Then, the poppy husk from plastic bags 7, 8, and 9 was put into another empty plastic bag available with him, on which serial number 4 was marked. Upon weighing with the electronic weighing scale, the poppy husk in bag number 4 was found to weigh 48 kg 810 grams. This brought the total weight of the poppy husk (doda) recovered from the plastic bags to 137 kg 460 grams. Thereafter, all the 9 empty plastic sacks numbered 1 to 9 were put into a single plastic sack, and a Palanda was prepared. Each of the Palandas was sealed with 5 stamps of 'SK', and a sample seal was prepared. The seal used was handed over to EHC Parmod 2296. After this, the engine number and chassis number of the recovered vehicle were checked. The engine number was found to be D4FBCU231426, and the chassis number was found to be MALCU41ULD103682. All the remaining plastic sacks numbered 1, 2, 3, and 4 containing poppy husk (doda post), the 9 empty plastic sacks, and the Palanda and Gazetted Officer Rakesh Kumar, HPS, Deputy Superintendent of Police, Kalanaur, Rohtak, also stamped each Palanda by putting

one 'RK' stamp on each. After the sealing process, he kept the his seal with himself. All the Palandas of poppy husk, including plastic sack numbers 1, 2, 3, and 4, and Palanda 9 (containing the empty sacks) and palanda currency notes along with vehicle bearing number RJ14CT-5151, Hyundai Verna, were sealed and secured properly Kept in police custody after preparing seizure memo. The accused Ekpreet and Gurpreet, as mentioned above, and the witnesses signed the FIR. Independent witness Naresh also signed it. The Palanda, sample seal, and the FIR were verified by Gazetted Officer Rakesh Kumar, HPS, Deputy Superintendent of Police, Kalanaur, Rohtak. A video was prepared on e-evidence during the delivery process at the spot. After completion, the Gazetted Officer left the spot. The accused, Ekpreet Singh, son of Ramlal, resident of Kila Patti, Ward No. 04, Handiya, District Barnala, Punjab, and Gurpreet Singh, son of Gurujanat Singh, resident of Jhaneri, Tehsil Bawanigarh, District Sangrur, Punjab, have committed an offence under Section 15(c), 60 of the NDPS Act by being in possession of a total of 137 kg 460 grams of poppy husk. Hence, a written complaint for registration of the case has been lodged at Police Station by Constable Sandeep 235. After registration of the case, the case number should be informed through the form, and a special report of the case should be sent to the service of the officer without any delay. A second investigator should be sent to the spot for further investigation, as I, ASI, am engaged in investigation at the spot. Today - Under Outer Bypass Flyover, Near Village Dobh, District Rohtak. SD: ASI Sandeep Kumar 1091/RTK, ANC ROHTAK Date: 20.04.2025 | Time: 01:20 PM.

3. Learned counsel for the petitioner contends that the FIR was initially registered against Ekpreet Singh and Gurpreet Singh, who were apprehended by the police and 137 Kgs and 460 grams of Doda Post (poppy husk) were recovered from them. Learned counsel further contends that as per

the case set up by the prosecution, name of the petitioner was allegedly disclosed by co-accused in their disclosure statements made before the police, which is inadmissible evidence and the petitioner has been falsely involved in the present case. Even, the disclosure statements were recorded after unexplained delay of four days.

4. On advance notice, Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana has appeared on behalf of respondent-State and submits that the petitioner is a hardened criminal and four more cases were ordered to be registered against the present petitioner, which were as follows:-

FIR Number and Date	Under Sections	Police Station
FIR No.93, dated 08.09.2021	15 of NDPS Act	Sadar Sangrur, Punjab
FIR No.163, dated 19.08.2021	15 (C) of NDPS Act	Bhavanigarh, Sangrur, Punjab
FIR No.156, dated 04.06.2020	354,354(3), 506 of IPC	Bhavanigarh, Sangrur, Punjab
FIR No.31, dated 25.05.2021	21,22,25,29 of NDPS Act	Rureke Kalan, Barnala, Punjab

5. Still further, the petitioner is a inter-state smuggler and was constantly in touch on phone with the main accused namely Ekpreet Singh and Gurpreet Singh. Thus, the custodial interrogation of the petitioner would be required in the present case. Learned State counsel further relied upon the law laid down by the Hon'ble Supreme Court in the matter of ***“State of Haryana Vs. Samarth Kumar”***, 2022 LiveLaw (SC) 622, wherein the Hon'ble Supreme Court held as follows:-

“4. The High Court decided to grant pre-arrest bail to the

respondents on the only ground that no recovery was effected from the respondents and that they had been implicated only on the basis of the disclosure statement of the main accused Dinesh Kumar. Therefore, reliance was placed by the High Court in the majority judgment of this Court in **Tofan Singh v. State of Tamil Nadu** reported in (2021) 4 SCC 1.

5. But, it is contended by the learned Additional Advocate General appearing on behalf of the State of Haryana that on the basis of the anticipatory bail granted to the respondents, the Special Court was constrained to grant regular bail even to the main accused-Dinesh Kumar and he jumped bail. Fortunately, the main accused-Dinesh Kumar has again been apprehended. According to the learned Additional Advocate General, the respondent in the second of these appeals is also a habitual offender.
6. Learned counsel appearing on behalf of the respondent in the first of these Appeals contends that the State is guilty of suppression of the vital fact that the respondent was granted regular bail after the charge-sheet was filed and that therefore, nothing survives in the appeal. But, we do not agree.
7. The order of the Special Court granting regular bail to the respondents shows that the said order was passed in pursuance of the anticipatory bail granted by the High Court. Therefore, the same cannot be a ground to hold that the present appeals have become infructuous.
8. In cases of this nature, the respondents may be able to take advantage of the decision in **Tofan Singh v. State of Tamil Nadu (supra)**, perhaps at the time of arguing the regular bail application or at the time of final hearing after conclusion of the trial.”

6. I have heard the learned counsel for the parties and perused the record carefully.

7. From the record, it is apparent that the petitioner is a resident of District Sangrur, Punjab and was earlier involved in the FIRs registered under the provisions of NDPS Act in the State of Punjab. Now, the present FIR has been registered at Police Station Bahu Akbarpur, District Rohtak (Haryana), which clearly shows that the petitioner is involved in drug trade in State of Haryana as well. Apart from that, the petitioner was constantly in touch with Ekpreet Singh and Gurpreet Singh, both main accused. Further, the Hon'ble Supreme Court has held in number of judgments that the concession of bail should not be granted to the persons, who are involved in drug trade, specially when the accused is repeated offender. Even, this menace of drugs is spreading in the State of Haryana and needs to be curbed with an iron hand. Further in the present case, the custodial interrogation of the petitioner would be required to know the source of supply of contraband as well as to ascertain the involvement of other accused in the present case. Thus, keeping in view the gravity of the matter as well as need for custodial interrogation, the present petition deserves to be dismissed by this Court.

8. Ordered accordingly.

(N.S.SHEKHAWAT)
JUDGE

16.05.2025
hitesh

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