

2025:PHHC:091545



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

CRM M-33331-2025

Date of Decision:14.07.2025

Shouqat Ali

...Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Liaqat Ali, Advocate
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

N.S.SHEKHAWAT, J.

1. The petitioner has filed the present petition under Section 438 of the Cr.P.C. with a prayer to grant anticipatory bail to him in case FIR No.13 dated 20.05.2021 registered under Sections 21, 22, 61 and 85 of NDPS Act and Sections 25/54/59 of Arms Act at Police Station State Special Operation Cell, Amritsar, District Intelligence Wing (WID), Amritsar.

2. The FIR in the present case has been registered on the basis of a secret information and the same has been reproduced below:-

“First Information contents (Attach separate sheet, if necessary) Chief Officer Police Station State Special

Operations Cell, Amritsar, Jai Hind, Today myself ASI. Attending Office D. S. P/ CI/Gurdaspur that the special informer came forward and declared that Shaukat Ali son of Farid Ahmed resident of Udampur (Jammu Kashmir) and Amir Khan son of Ghulam Rasool resident of Udampur (Jammu Kashmir) are drug and ammunition smugglers. They have connections with Pakistani smugglers and the said two persons get the consignment of drugs and ammunition through the Indo-Pak border in Jammu and Kashmir sector and supply the drugs and ammunition to different cities of Punjab. They are earlier many times supplied the drugs and ammunition different cities of Punjab and even today they have acquired a large consignment of drugs and arms ammunition from Pakistani smugglers which they have to deliver to a party in the area of Gurdaspur and Pathankot. If nakabandi will be installed with planning then large quantity of drugs and weapons may be recovered kept by the said persons. This information is correct and fair. Case be registered under section 21/22/61/85 NDPS. Act and 25/54/59 Arms Act. The said notification obtained for the first time was brought to the notice of the senior officers. Those who have SI Hardeep Singh 786/Int ordered to take further action including fellow employees ASI Sanjeev Singh 13/2171, A.S.I. Manjit Singh 27/2135, A.S.I. Rakesh Kumar 244 Gurdaspur. ASI Anil Kumar 27/2028. Head constable Dilbag Singh 27/2100, constable Jagjit Singh 27/2007 are present in office CI are in Gurdaspur, after informing about the notification, according to the order of the officer with government vehicle number PB 65 AK 8439

of which the driver is Baldev Singh No. 80/1521 is the notification of the departure. The order of head officers I myself ASI have written a rukka against the abovesaid accused under section 21/22/61/85 NDPS. Act and 25/54/59 Arms Act registered and is being sent to Ruka constable Harmajor Singh 4/2052 Police Station SSOC/ASR, to register the case and take issued number, issue special reports and inform the control room. Today, the office DSP ASI Kuldeep Singh No. 352 Pathankat, CI Gurdaspur CI. Pathankot Time 06.30 AM, Date 20-05-2021”.

3. Learned counsel for the petitioner contends that the petitioner originally belongs to Jammu and Kashmir and is engaged in selling the winter clothes. Even, it has been falsely alleged that on seeing the police party, the accused fled from the spot on foot. In fact, the police party was having a vehicle and it was not possible to escape on foot without being apprehended. He further contends that the petitioner was earlier declared as proclaimed offender, but he had filed a revision petition before the Sessions Court and vide order dated 09.09.2024, the Court of Additional Sessions Gurdaspur had set-aside the order, whereby, he was declared as proclaimed offender.

4. A status report had been filed by way of an affidavit of affidavit of the Deputy Superintendent of Police, Counter Intelligence, Pathankot and the same was taken on record.

5. Learned State counsel submits that on 20.05.2021, the petitioner and his accomplice had fled from the spot towards the

bushes on the river bank and could not be apprehended. However, they had thrown the kit bag on the right side and from the bag, 550 grams of heroin and AK 47 were recovered. Thereafter, raids were conducted on several locations to arrest the petitioner and his co-accused. Since, the police failed to arrest them, non-bailable warrants were got issued against him and, ultimately, he was declared as a proclaimed offender. Learned State counsel further submits that the petitioner and his co-accused had procured the heroin from Pakistan and they had come to Punjab to deliver the narcotics and live cartridges but they were stopped by the police party. Learned State counsel further submits that the custodial interrogation of the petitioner is required to know the names of the other accused, who were involved in the present case. Even, the police has to ascertain the source of supply as well as the names of the persons, to whom the consignment was to be delivered.

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

7. In the present case, it is evident that on seeing the police party, the present petitioner and his accomplice had fled away from the spot and had thrown a kit bag containing 550 grams of heroin alongwith 20 live cartridges of AK 47. In fact, the quantity of 550 grams of heroin falls within the ambit of “commercial quantity” and the petitioner is apparently involved in a serious crime. Even, the heroin and cartridges were procured from Pakistan by the petitioner

and his co-accused. Thus, keeping in view the gravity of the allegations as well as the necessity of custodial interrogation of the petitioner, the present petition deserves to be dismissed.

8. Ordered accordingly.

14.07.2025	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No