



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-43610-2024
Decided on: 18.03.2025

Baldev Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Mr. Gurpartap Singh Bhullar, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
56	22.06.2024	Sadar Jalalabad, Distt. Fazilka	21 C, 23 of NDPS Act and 10, 11, 12 of Aircraft Act

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 of CrPC, seeking anticipatory bail.
2. Vide order dated 05.09.2024, a co-ordinate Bench of this Court had stayed the petitioner's arrest and the said order is continuing till date.
3. In paragraph 14 of the bail petition, the accused declares that he has no criminal antecedents. However, as per paragraph 7 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	242	03.10.2024	8, 21, 29 of NDPS Act	Chhatargarj (Rajasthan)

4. The facts of the case are being taken from the status report dated 03.11.2024 filed by the State, which reads as under:

“4. That precisely the facts of the case are as under:-
a) That the present FIR was registered as per letter of AC Coy Commander 'B' Coy 52 BN BSF BOP Jodha Bhaini wherein it was stated that operation on 22.06.2024 during search carried out by the B.S.F. officials in the area of BOP Jodha Wala, recovery of a drone and 01 packet containing heroin weighing 520 grams heroin was effected. Said recovered drone and contraband was handed over to police authorities of PS Sadar, Jalalabad. In the said letter, names of four persons were



mentioned as suspected persons involved in the drone activity.

b) As per letter supra, FIR no.56 dated 22.06.2024 was registered under section 21 (c), 23 of NDPS Act and sections 10, 11, 12 of Aircraft Act Sadar, at police station, Jalalabad against present petitioner, Baldev singh son of Balbir Singh, Charanjeet Singh alias Channi son of Jeet Singh residents of village Jodha Bhaini and Kulwinder Singh son of Sona Singh resident of village Hazara Ram singh wala.

c) That after registration of said FIR, recovered contraband and drone were taken into police custody as per law.

d) That petitioner was arrested on 22.06.2024 and 10 grams Heroin and a mobile phone make LAVA was recovered from the petitioner. On being enquired, the petitioner categorically disclosed that petitioner and other co-accused are indulged in cross border smuggling of heroin.

e) That on 23.06.2024 present petitioner Gurmail Singh was produced before the Ld.Court of JMIC Jalalabad where the Ld.Court also drew the samples of recovered contraband and the said accused was sent under three days police remand.

f) That the samples recovered contraband were sent to R.T.F.S.L. Bathinda on 24.06.2024 and its report has been received wherein it has been categorically reported as under:

"The content of the envelopes 1A and 2A under reference have been analyzed separately by chemical, TLC and instrumental analysis. On the basis of analysis, diacetylmorphine (Heroin) has been found present in contents of the envelopes 1A and 2A."

g) That the recovered drone was sent to Forensic Technique Delhi, through Mr. Balbir Singh, AC Coy Comdr 52 Bn BSF B-Coy 52 Battalion BSF and its awaited. report is still awaited.

h) That co-accused Baldev Singh joined investigation on 07.09.2024 in pursuant to the order dated 05.09.2024 passed by this Hon'ble Court in CRM-M-43610-2024.

(i) That co-accused Kulwinder Singh alias Gindi and Charanjeet Singh alias Channi are yet to be arrested in the present case. Police is making strenuous efforts to nab the absconding accused. Investigation of present FIR is still underway."

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

6. State counsel opposes the bail and refers to reply.



7. On 10.01.2025, this Court had reserved the judgment, however, after perusing the reply, this Court pointed for further investigation and it would be appropriate to extract relevant portions of order dated 30.01.2025, which reads as follows:

“3. The evidence mentioned in the reply consists of either disclosure statements of the other accused or the petitioner’s confession to the police. Both types of evidence are subject to the legislative restrictions imposed by Sections 25 and 26 of the Indian Evidence Act of 1872 and Section 23 of the BSA, 2023.

4. Therefore, even after the interrogation, the police did not gather evidence such as call records, the petitioner’s visits to the location with the other accused, bank transactions, other business dealings, digital evidence, etc.

5. After looking at the evidence and considering the seriousness of the crime with transborder connections, this Court believes that further investigation is necessary in this case.

6. Based on the above, further interrogation of the petitioner is needed to gather the following evidence:

- a) Financial transactions.
- b) Bank transactions involving co-defendants.
- c) Other business dealings with co-defendants.
- d) Call details.
- e) Mobile location.
- f) Additional connections with co-accused.
- g) Evidence of individuals in the area.
- h) The time the petitioner became acquainted with the co-defendants.
- i) Investigation from neighbors regarding their proximity.
- j) Social media accounts.
- k) Any other evidence.

7. To enable the petitioner to join interrogation without any duress or coercion, the petitioner makes a case for continuing the order of stay of arrest until further order. The Investigator is to file/hand over a fresh status report after further investigation, mentioning the evidence collected against the petitioner, including the above-referred aspects.

8. According to the petition and the reply, the petitioner is currently out on bail in another case. In light of this, this Court is granting a stay of arrest; however, if the petitioner is found to be in custody in any other case, this order will not be valid or enforceable, and the order for a stay of arrest will be automatically recalled.”

8. State counsel submits that they could not complete full investigation for the reason that after registration of FIR, Rajasthan police has arrested the petitioner under NDPS Act. It would be appropriate to refer to para 6 of the reply dated



17.03.2025, which reads as follows:

6. That it is respectfully submitted that the present petitioner was arrested on 04.10.2024 in FIR No.242 dated 03.10.2024 under sections 8, 21, 29 of NDPS Act, police station, Chhatargarh, District Bikaner (Rajasthan). Since then the petitioner is confined in jail at Bikaner (Rajasthan). Therefore, the petitioner has not joined investigation in the present case in pursuance to the order supra. As and when the petitioner will join investigation of the present FIR, investigation of the present FIR will be carried out from all angles and evidence will be gathered in accordance with the order dated 30.01.2025 passed by this Hon'ble Court."

9. Thus, it reveals that the petitioner is a habitual offender and he is involved in one more case under NDPS Act, after registration of present FIR. Thus, the conduct of the petitioner indicates towards his participation even in the present FIR. The grounds for granting anticipatory bail are entirely different than the regular bail, as such, he is not entitled to bail.

10. A perusal of the bail petition and the attached documents prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would also not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. **Petition dismissed.** Interim order dated 05.09.2024 is recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

18.03.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.