

CRM-M-53405-2024 (O&M)

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

2025:PHHC:070530



**CRM-M-53405-2024 (O&M)
DATE OF DECISION : 23.05.2025**

PARVEEN KUMAR		... PETITIONER
	V/S	
STATE OF PUNJAB		... RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. S.P.S.Sidhu, Advocate for the petitioner.

Mr. J.S.Arora, DAG Punjab with
ASI-Surmukh Singh

Complainant-Amrinderpal Singh-in person.

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RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present 2nd petition praying for grant of regular bail in case FIR No.34 dated 11.02.2019 under Section 21 of NDPS Act (Sections 22, 29 and 58 of NDPS Act were added later on) registered at Police Station Civil Lines, District Police Commissionerate Amritsar.

2. Succinctly, facts of the case are that the FIR in the present case has been lodged on the basis of the secret information received on 11.02.2019 to the effect that Amrinderpal Singh S/o Baldev Singh is involved in drug paddling. It was informed that he would come in the District Court complex, Amritsar to appear in a case and if the raid is conducted, he could be arrested along with the contraband. On receiving the information, the raiding party was constituted and went to the District Court complex, Amritsar. A person, as disclosed, was apprehended and on

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asking, he disclosed his name as Amrinderpal Singh. On his search, 200 gms of heroin was recovered. The FIR was registered and he was arrested. On the registration of the FIR, the investigation commenced. However, during the investigation accused-Amrinderpal Singh filed a complaint to the DGP for investigation of the case on the ground that he had been falsely implicated by the Police officials in a pre-fabricated manner. On the complaint, the SIT was constituted and on conducting the investigation, Amrinderpal Singh was found to be innocent, whereas, it was revealed in the investigation that the Police officials i.e. SI Amarpartap Singh along with Dalbir Singh, Paramjeet Singh, Jugraj Singh and the present petitioner in connivance with each other had planted the recovery of 200 gms of heroin upon Amrinderpal Singh. Thus, the petitioner being one of the accused was arrested on 07.03.2024. On receiving the FSL report, the contraband which was shown to be recovered 200 gms of heroin was also found to be 200 gms of Tramadol. The petitioner approached the learned trial Court praying for grant of bail. However, after hearing both the sides, the same was declined by the learned Special Court, Amritsar vide order dated 13.05.2024. Aggrieved, the petitioner had approached this Court by way of filing a petition bearing CRM-M-27776-2024 for grant of bail but the same was dismissed as withdrawn vide order dated 11.07.2024. Hence, the petitioner has again approached this Court praying for grant of bail by way of filing the present second petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that as per the SIT constituted, the petitioner allegedly was the IO, who simply registered the FIR on the basis of the

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secret information received. He submits that from the findings of the SIT, it is apparent that the other police officials were the main accused whereas the petitioner had only registered the FIR on the basis of the secret information. He submits that SI Amarpartap Singh had been found to be the main accused in the enquiry conducted by the SIT, who is already on bail by this Court. It is submitted that recovery of 200 gms of Tramadol is a non-commercial quantity and thus, the provisions of Section 37 of the NDPS act would not be attracted. He submits that the petitioner is behind bars since the date of his arrest and the complainant-Amrinderpal Singh has also been examined before the learned trial Court. He submits that the petitioner is a retired Inspector, who has no criminal antecedents and thus, in the facts and circumstances of the case, petitioner deserves the concession of bail.

4. The complainant-Amrinderpal Singh has appeared in person and has vehemently opposed the submissions made by learned counsel for the petitioner and submits that the petitioner is the person who apprehended the complainant from the Court complex and planted a fake recovery of 200 gms of heroin upon him. He submits that no recovery has been effected from the complainant. However, it is the petitioner who had taken out the packet of contraband from his pocket and handed over the same to the DSP. He submits that an enquiry was conducted by the SIT on the complaint filed by the complainant and the complicity of the petitioner and the co-accused has been duly established. He submits that the petitioner being a Police official, who was initially the IO, had committed a heinous offence and thus, he does not deserve the concession of bail.

5. Learned State counsel has also opposed the submissions made

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by counsel for the petitioner. He has drawn the attention of this Court to the status report filed and submitted that the petitioner was initially the complainant, who registered the FIR against Amrinderpal Singh. However, in the investigation conducted by SIT, it was found that Amrinderpal Singh was falsely implicated and it was the petitioner and the co-accused, who falsely robed in the complainant-Amrinderpal Singh by planting recovery of 200 gms of heroin. He submits that from the FSL report, it was found that the recovered contraband was not even heroin but it was Tramadol. He submits that out of 29, 5 witnesses including complainant-Amrinderpal Singh has been examined before the trial Court. He has placed on record the custody certificate of the petitioner. He has further drawn attention of this Court to para no. 12 of the status report which pertains to the role of the petitioner and the same reads as follows:-

“12. That during investigation the petitioner ex-Inspector Parveen Kumar was arrayed as accused vide DDR No.24 dated 07.03.2024 by the Special Investigation Team and was arrested on 07.03.2024. The specific points pertaining to the role of the petitioner in the present FIR are mentioned below:

a. Petitioner Parveen Kumar was present in the police party on 11.02.2019 and is the original complainant in the present FIR No.34 having written the ruqa based on false secret information.

b. Petitioner Parveen Kumar earlier wrote the ruqa at 2.10 pm but later tampered with the same and changed the time on the ruqa to 4.10 pm.

c. The petitioner was shown to be relieved from the spot as per the ruqa. However, from the statement of DSP Kirpal Singh it came on record that the petitioner was in fact present at the spot at the time of recovery.”

6. After hearing counsel for the parties, complainant, who is present in person and perusing the record, it is inferred that the complainant-Amrinderpal Singh, though was initially the main accused in

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the FIR lodged against him. However, thereafter, SIT was constituted and it was found that he was falsely implicated. The petitioner along with the co-accused was found to be the person behind the conspiracy, however, the petitioner was initially the complainant. Co-accused SI Amarpartap Singh has already been granted bail by this Court. As reflected from the custody certificate, the petitioner has suffered incarceration of 01 year 02 months & 13 days as on 22.05.2025. He is not involved in any other case. Out of 29, 5 witnesses have been examined including the complainant.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

9. The State is directed to ensure the protect the life and liberty of complainant-Amrinderpal Singh.

10. Learned State counsel submits that complainant-Amrinderpal Singh has already been provided one gunman as his personal security guard and the same will continue.

11. Complainant-Amrinderpal Singh has also confirmed that he has been provided one gunman as his personal security guard.

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12. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

23.05.2025

Janki

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No