



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209+211

Date of decision: 05.12.2025.

(1)

CRM-M-58974-2025 (O&M)

SAROJ RANI

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

(2)

CRM-M-59637-2025 (O&M)

AMRIK SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Ms. Ragini Khanna, Advocate,
for the petitioner in CRM-M-58974-2025.

Mr. Karandeep S. Sidhu, Advocate,
for the petitioner in CRM-M-59637-2025.

Mr. Mohit Kapoor, Senior DAG, Punjab.

Mr. Ravi Kamal Gupta, Advocate for CBI.

VINOD S. BHARDWAJ, J. (Oral)

1. The above-mentioned two petitions seeking grant of regular bail are being decided by a common order since they arise out of the same FIR.

2 The present petitions have been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioners in case bearing FIR No.02 dated 07.01.2025, under Section(s) 22C of the NDPS Act registered at Police Station Sadar Jalalabad, District, Fazilka (Sections 29 and 27 (B) added later on).

3 For facility of reference, facts are however extracted from CRM-M-58974-2025.

4 FIR in the present case was registered on the basis of a secret information and records thus:-

“We were on patrolling and in search of suspected persons. We have departed in the area of the Police Station. When the police party while patrolling reached near Bus Stand of SukheraBodla. The secret informer got stopped the car and given information that Amrik Singh son of Surjit Singh resident of KamreWala, Saroj Rani

wife of Kulwinder Singh resident of KamreWala, Neelam Rani wife of Sukhdev Singh resident of Colony Lamochar Kalan, Varinder Singh son fo Surjit Singh resident of Shaheed Udham Singh Nagar, Jalalabad, Angrej Singh son of Surjit Singh resident of resident of KamreWala, Kuldeep Singh son of Balwinder Singh resident of Amir Khas, Surjit Singh son of Munsha Singh resident of BahamniWala, Vikram Singh son of not known resident of SukheaBodla are habitual of bringing intoxicant tablets from the outer states and used to sell the same. Today truck no. RJ-07-GDE6412 and the driver thereof is Raju Ram, have called intoxicant tablets. They have passed FFraod, VilalgeLamochar Kalan and they are standing on the link road leading through the canal towards Mauje Walal and are distributing boxes in large quantity. If the raid is conducted, the boxes of intoxicant tablets in large quantity can be recovered from them. They have to load the boxes of intoxicant tablets in Bolero Car No. DL12CA5507 and the driver thereof is Varinder Singh son of Surjit Singh resident of Shaheed Udham Singh Nagar, Jalandhar and they will take it ahead. They have also used motorcycle for rekey. The above said Amrik Singh son of Surjit Singh resident of KamreWala, Saroj Rani wife of Kulwinder Singh resident of KamreWala, Neelam Rani wife of Sukhdev Singh resident of Colony Lamochar Kalan, Varinder Singh son fo Surjit Singh resident of Shaheed Udham Singh Nagar, Jalalabad, Angrej Singh son of Surjit Singh resident of Bahmaniwala, KulwinderSingh son of Amrik Singh resident of KamreWala, Kuldeep Singh son foBalwinder Singh resident of Amir Khas, Surjit Singh son of Munsha Singh resident of BahamniWala, Vikram Singh have committed offence under section 22C/61/85 of Narcotic Drugs and Psychotropic Substances Act. Therefore, ruqa has been

written to register case under section 22C/61/85 of Narcotic Drugs and Psychotropic Substances Act against the above said persons and is being sent through PHG Darshan Singh 12409 to Police Station. FIR be registered and number of FIR be informed. Special reports be issued.”

5. Learned counsel for the petitioner (s) submits that 2,07,800 tablets of Tramadol Hydrochloride and Alprazolam were allegedly recovered from one Canter driven by Raju Ram (non-applicant). There were three other occupants of the said canter who were stated to have run away. The case of the prosecution is against the two families, from which all the accused belong, viz. the family of Varinder Singh, and includes his sister-in-law Neelam Rani, his brother-in-law Angrej (petitioner in CRM-M-61164-2025), his father Surjeet Singh and his brother-in-law Kuldeep Singh (sala). The other family is of Kulwinder Singh, his wife Saroj Rani and his father Amrik Singh. All of them are collectively involved in the instant case.

6. He contends that the petitioners have been arrayed as an accused because they highlighted the atrocities of the police and staged a protest against the police agency pertaining to their high-handedness & illegal detention in case FIR No.01 of 2025 regd. at Police Station Amir Khas, District Fazilka against Hardev Singh and Arjan Singh. The police had detained a minor child Arjan Singh, without informing his parents. Against the said illegal detention, Varinder Singh-who is adoptive father of Arjan Singh alongwith mother Rimpa Rani, Maternal Uncle (Mama) Kuldeep Singh, Maternal Aunt (Massi) Neelam Rani, Uncle (Chacha) Angrej Singh

and Sarpanch of their village and others were actively involved in securing release of Arjan Singh, which had irked the police. The minor Arjan Singh was released from the Police custody around midnight on the intervening night of 06/07.01.2025. On the early morning of 07.01.2025, under a pre-planned act, the instant FIR was got registered at Police Station, P.S.Sadar, Jalalabad District Fazilka against all the family members.

7. It is contended by the learned counsel for the petitioner that in order to substantiate their innocence, they had approached the authorities at Police Station Amir Khas to collect the CCTV footage of the police station showing their presence in Police Station uptill near midnight of 06/07.01.2025, however the same was denied to them. The said footage from the official CCTV footage could have established the innocence of the petitioner. They submit that as per the directions issued by the Hon'ble Supreme Court in the matter of **Paramvir Singh Saini Vs. Baljit Singh & others AIR 2021 Supreme Court 64**, the police is required to ensure that CCTV footage of every police station is preserved for at least one year. Notwithstanding the same, the respondent authorities have chosen not to verify the specific claim of the petitioner (s) about their false implication or presence at the Police Station itself.

8. It is contended that be that as it may, the case otherwise also fails to inspire confidence since it is alleged that one Bolero Car bearing Registration No.DL-12-CA-5507 was used for receiving the delivery. Invariably, the petitioner-Neelam Rani, Angej Singh belong to different villages, and under ordinary circumstances they

would not have come to the same place for seeking delivery of the property. The respondents nowhere explain as to how and under what circumstances the accused Neelam Rani, Amrik Singh, Kulwinder Singh and Saroj Rani-wife of Kulwinder Singh had formed the common intent or conspiracy and reached the place where the contraband was to be delivered. There is also no explanation as to how other accused were contacted and brought on site. Further, 9 people are alleged to have travelled to the spot, where the delivery was to be received from the truck, in one Bolero. Co-accused Angrej Singh is stated to have escaped from the spot. It is submitted that the version of the police belies their claim since 9 grown up adults can not be seated in the Bolero Vehicle which has a capacity just enough for 5/7 persons. It would be also very unlikely that at a time when a consignment of nearly 2,07,800 tablets is to be received, the vehicle would be taken with more than full occupancy. The vehicle would under such circumstances, ordinarily be kept vacant so as to have space to store such a large consignment. It is submitted that as a matter of fact the petitioners were forcibly taken to the spot in the above Bolero and the same belongs to a police official Jaswinder Singh himself.

9. They contend that it is sans ordinary prudence for the entire family to assemble at a place where an illegal activity is to be undertaken. Rather, the family would, in such circumstances, ordinarily be scattered at different places so as to make appropriate arrangements later if anything wrong were to happen.

10. Learned counsel contend that similarly placed co-accused Neelam has already been granted the concession of regular bail by this Court vide order dated 29.09.2025 in CRM-M-33000-2025 and that case of the petitioners would not be much different. The allegations against the petitioners, at best, are that they were present at the spot when the contraband was being downloaded. No other overt act has been attributed to them. They further submit that 'Saroj Rani' and 'Amrik Singh' are not involved in any other case. Hence, the very basis of secret information about the petitioners being involved in a narcotic trade, evaporates. Such an information could have been credible only in case the petitioners would have had some criminal antecedents.

11. Counsel appearing on behalf of the respondent-Central Bureau of Investigation had also appeared before this Court, pursuant to an order passed by this Court in CRM-M-33000-2025 titled as "*Neelam Rani versus State of Punjab*". The Central Bureau of Investigation, in its inimitable style, reflecting complete disinterest in accepting an assignment, has pleaded lack of resources and its unwillingness to accept any other investigation. This Court finds the conduct of Central Bureau of Investigation completely strange inasmuch while it is contesting tooth and nail to claim right to investigate the matters with the States, who are often reluctant or dispute jurisdiction of the CBI over the subject, however, in almost all the cases when the Court asked for a response, the reply is always non-committal reflecting a disinterested Investigating Agency. This is notwithstanding the fact that at earlier instance, whenever the

Central Bureau of Investigation has been ordered to assist the Court, separate orders for assignment of resources have been passed, as per the demand of the Central Bureau of Investigation. This Court has, however, recorded the aforesaid only to reflect upon the working and mindset of the officials supervising the affairs of Central Bureau of Investigation, for their introspection and renewed approach.

12. Learned Counsel appearing on behalf of the respondent-State, however, contends that the State had effected recovery of huge consignment of the contraband. It is submitted that Saroj Rani and Neelam Rani were sitting in the Bolero and it was informed by them that Varinder Singh, Angrej Singh, Vikram Singh and Surjit Singh had managed to run away. Accused Amrik Singh (Petitioner in CRM-M-59637-2025 disclosed names of his sons Kulwinder and Kuldeep Singh to have fled away from the spot. He contends that the consignment of contraband had been obtained from one Bhagirath of Village Khara, Rajasthan.

13. He also submits that the Senior Superintendent of Police, Fazilka was directed to constitute a Special Investigation Team to investigate the said FIR to be headed by S.P (Operations) comprising of D.S.P (C), Fazilka, and Station House Officer, Police Station Sadar, Jalalabad. Later on the investigation, a case FIR No. 01 dated 05.01.2025 registered at Police Station Amir Khas was also assigned to the said SIT. Subsequently, investigation of both these FIRs were ordered to be conducted under the overall supervision of Deputy Superintendent of Police (Crime), Bureau of Investigation, Punjab.

14. He, further, contends that the CCTV footage of 05.01.2025 and 06.01.2025 pertaining to the Police Station had been secured and as per the CCTV footage at about 11.33 p.m. of 06.01.2025, the accused were seen. They were seen thereafter at 10.33 A.M. on the next day while sitting on a motorcycle. It is alleged that presence of the petitioners, as per the call data record at the place of the occurrence establishes them at the spot of recovery.

15. During the course of arguments, learned State Counsel further submitted that about 1.78 lakh tablets approximately were to be delivered to present accused persons while remaining consignment was to be delivered to some other person. It is alleged that co-accused Surjit Singh was involved in two cases viz. one under the Excise Act and another under the NDPS Act and Varinder Singh is involved in as many as 06 cases which are under the NDPS Act. Angrej Singh is also stated to be involved in a case under the NDPS Act. It is thus submitted that as the entire family is involved in the drug trade, hence, they were rightly arrested.

16. He further concedes that the vehicle in question belonged to a Police Officer and submits that he has also been arrested in the case and his role is still being investigated. It is contended that the investigation is being conducted under the supervision of a superior officer, hence, the petition deserves to be dismissed.

17. During hearing the Counsel for the respondent-State, the following questions were put to him:

- i) Evidence whereby the investigating Agency established the link/connection of the petitioners with Bhagirath who had sourced the alleged supply;
- ii) Whether the CDRs reflect a continuous contact of the petitioners with Raju Ram, the Driver of the offending truck or any prior contact with Bhagirath?
- iii) By what mode all the accused-petitioners had reached together at the same time at the place of recovery;
- iv) If only the consignment of 1,78,000 tablets approximately was to be received by the petitioners, to whom was the remaining supply to be delivered;
- v) Whether any steps to arrest Bhagirath had been taken or not?
- vi) Who is the manufacturer of the drugs and whether the premises of the manufacturer had been visited in relation to the recovery so as to ascertain the chain of delivery?
- vii) Whether the CCTV footage of the Police Station Amir Khas, for the intervening night of 06/07.01.2025, has been examined to ascertain the claims of the petitioner(s) herein about their presence within the precincts of the Police Station and its vicinity till around midnight.

18. Learned State Counsel, however, is readily not in a position to offer any response to any of the above questions. He contends that the investigation on the said aspects is yet to be

conducted. I am afraid that the argument being put-forth about the investigation being pending on these aspects does not inspire confidence at this stage since final report, after investigation, has already been filed against the accused persons.

19. In view of the above, this Court expresses its concern about the manner in which the investigation has been conducted and the quality of its supervision. This Court thus expressed its intention to transfer the investigation to some other agency including an agency out of the State of Punjab. In response thereto, learned State Counsel contends that instead of transferring the investigation to any agency outside the State of Punjab, let the further investigation be directly carried out under the supervision and command of Mr. Nilabh Kishore, IPS, ADGP, ANTF, Punjab since the issue pertains to recovery of Narcotics. He does not dispute that the questions referred to above are crucial questions for separating the wheat from the chaff and to also identify all the other accused and their *inter se* involvement.

20. Taking into consideration, the facts and circumstances noticed above including the circumstances of arrest, the questions raised with respect to the mode and manner of the involvement of the petitioner(s), their period of custody, the stage of investigation, absence of specific attribution against the petitioner herein and also considering that the investigation qua the petitioner(s) herein is complete and similarly placed co-accused have been granted concession of regular bail, I deem it appropriate to allow the present petitions. The petitioners are ordered to be released on regular bail on

their furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

21. It is made clear that the petitioners shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

22. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

23. Before parting with the order and taking into consideration the issues raised by this Court and the concurrence of the State, I deem it fit and appropriate to direct that further investigation being conducted in both these FIRs viz. FIR No. 0001 dated 05.01.2025 registered at Police Station Amir Khas, District Fazilka and FIR No. 0002 dated 07.01.2025 registered at Police Station, Sadar Jallalabad, District Fazilka be carried out by the SIT but under the supervision and control of Mr. Nilabh Kishore, IPS, ADGP, Anti Narcotics Task Force (ANTF).

24. Pending misc. application(s), if any, shall also stand(s) disposed of accordingly.

December 05, 2025
archana/vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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