

CRM-M-2611-2025 and one connected case

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

CRM-M-2611-2025
Reserved on: 01.05.2025
Pronounced on: 19.05.2025

Lovepreet Singh alias Love ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-8617-2025

Lakhwinder Singh alias Lakha ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. H.P.S. Sidhu, Advocate
for the petitioner(s).

Mr. Rahul Jindal, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0141	03.10.2024	Lalru, District SAS Nagar Mohali	21, 29 of NDPS Act

1. This order shall dispose of two petitions as mentioned above. For the sake of brevity, facts have been taken from *CRM-M-2611-2025 titled as Lovepreet Singh alias Love vs. State of Punjab.*

2. The petitioner(s) apprehending arrest in the FIR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

3. In paragraph 17 of the bail petition (CRM-M-2611-2025), the accused/Lovepreet Singh alias Love has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	67	06.05.2021	21 of NDPS Act	Balongi, District SAS Nagar

In paragraph 17 of the bail petition (CRM-M-8617-2025), the accused/Lakhwinder Singh @ Lakha has the following criminal antecedents:

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Sr. No.	FIR No.	Date	Offenses	Police Station
1	173	08.12.2017	22 of NDPS Act	City Kotakpura, Distt. Moga
2	162	17.10.2018	21 of NDPS Act	City Kotakpura, District Faridkot
3	304	2023	21B, 22 of NDPS Act	Special Task Force SAS Nagar

4. The facts and allegations are being taken from the reply dated 01.02.2025. On 03.10.2024, the Investigator SI Ajay Kumar was on patrolling with his team and at that time, they were carrying laptop and printer and objective of patrolling was to search criminal elements. At around 1.30 PM, they received a secret information that Lakhwinder Singh @ Lucky, Sukhdeep Singh, Krishan Kumar, Lovepreet Singh @ Love (present petitioner) and other accomplices are engaged in illegal business of selling heroin and other intoxicants. They are working as a gang and active in Punjab, Haryana and Delhi. The informant also informed that on that day, Sukhdeep Singh and Krishan Kumar were travelling in a white colored Accent Aura Car from Delhi to Mohali and they were carrying a large quantity of heroin. Based on this information, barricading was done and a *naka* was laid and police stopped that above said car and nabbed two persons from the car. On seeing the police party, they tried to flee from there, but they were apprehended. The said persons identified themselves as Sukhdev Singh and Krishan Kumar. Upon search, 1.5 kg of heroin was recovered from them and both of them were arrested. Thereafter, they disclosed about involvement of petitioner-Lovepreet Singh and Lakhwinder Singh and they along with present petitioner had purchased 8 to 10 kg of heroin in the past and on the day of incident, they were also carrying heroin in three jackets which they had obtained from a foreigner at M.B. IN Hotel, Lajpat Nagar, Delhi. They also informed about purchasing of heroin from Delhi on instructions from accused Lakhwinder Singh @ Lucky and gave address of the said Hotel. The police took CCTV footage of the said hotel and found Sukhdeep Singh and Krishan Kumar with a foreign national who had handed over a bag to Sukhdeep Singh and they had handed over American Dollars to him. Based on this information, even the petitioners were also arraigned as accused.

5. Petitioners' counsel seeks bail on the following grounds:-

i) that the only evidence against the petitioners are of call details and there is no other evidence against the petitioners, as such they should not be denied bail.

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

CRM-M-2611-2025 and one connected case petitioners and their family.

7. The State's counsel opposes the bail and submits that petitioners are habitual offenders and even they have cases under NDPS Act against them and taking advantage of the bail, they did not stop dealing in trade. State counsel further submits that petitioners have joined the investigation only on one occasion, on which they did not cooperate except giving mobile phone, which has been sent in laboratory however no investigation has been conducted desired by this Court.

8. It would be appropriate to refer to the following portions of the reply, which read as follows:

“That the role attributed to the petitioner in the present case/FIR No. 141 (supra) is that he has been specifically named in the secret information received from the informer. It is submitted that the petitioner along with his co-accused is involved in the illegal business of selling heroin in different parts of the state of Punjab, with links to drug smugglers. During the investigation, it also came to light that the petitioner and his co-accused brought 8 to 10 kg of heroin from Delhi and supplied it to their customers. Furthermore, a substantial quantity of 1.500 kg was recovered from co-accused Sukhdev Singh and Krishan Kumar. It is submitted that the petitioner is one of the main persons in the network of drug smuggling.”

REASONING:

9. Analysis of the above arguments would lead to the following outcome.

10. On 18.01.2025, this Court had issued notices and asked for response and Status report dated 01.02.2025 was filed. However after going through the reply, this Court wanted further investigation and as such, on 03.02.2025, this Court passed the following order:-

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

- a) Financial transactions.*
- b) Bank transactions involving petitioner with co-accused.*
- c) Other business dealings of petitioner with co-accused.*
- 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-accused.*
- i) Investigation from neighbors regarding their proximity.*
- j) Social media accounts.*

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k) Any other evidence.

7. For the purpose of investigation, petitioner is required, as such, to enable the petitioner to join interrogation without any duress or coercion, the petitioner makes a case for stay of his arrest until further order. Petitioner is directed to join investigation on 10.02.2025, 11.02.2025 and 12.02.2025 at 10.00 A.M. and thereafter, as and when called upon to do so. The Investigator is to file/hand over a fresh status report after joining petitioner into investigation, mentioning the evidence collected against the petitioner, including the above-referred aspects.

8. According to the petition and the status report, 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.

9 The petitioner is directed to join the investigation on the given dates and as necessary when required by the Investigator. The petitioner will be considered in deemed custody under Section 27 of the Indian Evidence Act, 1872, and Section 23 of the BSA, 2023. The petitioner shall not be subjected to third-degree methods, inappropriate language, inhumane treatment, or similar actions throughout the investigation.”

11. After that a fresh status report dated 17.03.2025 was filed by the concerned DSP. It shall be appropriate to refer to following portion of the reply, which reads as follows:-

“That thereafter, on 11.02.2025, the petitioner again came present and in compliance with the directions passed by this Hon'ble Court joined the investigation wherein, the petitioner was specifically asked to disclose about the evidence in state of:-

- a) Financial transactions.*
- b) Bank transactions involving petitioner with co-accused.*
- c) Other business dealings of petitioner with co-accused.*
- 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-accused.*
- i) Investigation from neighbors regarding their proximity.*

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j) Social media accounts.

k) Any other evidence

However, the petitioner did not co-operate with the investigation and did not disclose any information. Accordingly, the petitioner was released on bail.

12. The police could not conduct the investigation because of non-joining of petitioners. In addition to that, petitioners are involved in other case. Thus, the petitioners are avoiding investigation and it is apparently for the reason that evidence is serious and quantity of drug is 1.5 kg of heroin. Despite interim stay on arrest, petitioners did not join investigation and in case this Court grants bail, it would be a mockery of justice and accused would start disobeying the order of this Court whereby they were directed to join investigation.

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

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

15. **Petitions dismissed.** Interim orders are recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

19.05.2025
anju rani

Whether speaking/reasoned: Yes

Whether reportable: No.