

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(226) CRM-M NO.54969-2024
DATE OF DECISION: 19.05.2025

Jagroop SinghPetitioner

VERSUS

State of PunjabRespondent

CORAM HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present Mr.J.S.Sandhu, Advocate, for the petitioner.

Mr. J.S.Arora, DAG, Punjab.

RAJESH BHARDWAJ, J (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.314 dated 12.10.2023, under Sections 21(c), 25, 29 of NDPS Act, 1985 and Sections 307 and 427 of IPC, registered at Police Station STF Phase IV-SAS Nagar District Amritsar Punjab.

2. Succinctly the facts of the case are that on 12.10.2023, police received a secret information to the effect that Jagroop Singh @ Jagga and his relative Major Singh are involved in the business of heroin on a large scale since long. It is informed that they would come in their Bolero Car No.PB-06R-0085 from their village via Attari with the huge consignment. If nakabandi is laid, they could be arrested along with contraband. On receiving secret information, DSP Vavinder Kumar was informed and a raiding party was constituted headed by SI Hakim Singh. The raiding team reached at the place disclosed and barricading was laid. Thereafter, a Bolero car, as disclosed, was seen coming. It was signaled to be stopped but the



driver of the Bolero Car with intention to kill, hit his Bolero Car in the car of the police, which was damaged. The police party, however, encircled the Bolero Car and nabbed the same. The driver, on asking disclosed his name as Jagroop Singh @ Jagga-petitioner, whereas the person on the adjacent to the driver disclosed his name as Major Singh son of Jagjit Singh. They were suspected to be carrying contraband and thus, offer was given to be searched. The search was conducted. DSP Vavinder Kumar was informed and the search was conducted in his presence. On conducting the search of the car, a bag was found lying on the rear seat. From the search of the same, 4 kgs heroin was recovered. Both the inmates of the car i.e Jagroop Singh and Major Singh failed to produce any licence for possessing of the same and thus, they were arrested on the spot. On registration of the FIR, investigation was commenced. The samples taken were sent to the FSL. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for the grant of bail. However, after hearing both the sides finding no merit in the same, the learned Judge, Special Court, Amritsar declined the petition filed by the petitioner vide order dated 08.05.2024. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been roped in the present case in a due deliberated manner by the investigating agencies. He has submitted that the FIR stands registered on the secret information, however, there is violation of the mandatory provision of Section 42 of the NDPS Act. He submits that allegedly there were two persons in the car i.e the petitioner and the co-accused Major Singh but both were offered to be searched which is not an

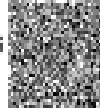


offer in the eyes of law. He submits that from the alleged bag lying in the car, 4 kgs of heroin has been shown to have been recovered. He submits that the allegations in the FIR are regarding damaging the car of the police party and causing injuries, however, there is no evidence regarding the same. His argument regarding false implication is that the search has been conducted in the presence of Vavinder Kumar, DSP, however, this DSP is himself also involved in one FIR under NDPS Act and he is absconding as on date. He submits that petitioner has no criminal antecedents. He has submitted that in the facts and circumstances, the false implication of the petitioner is writ large and thus, she deserves to be granted bail.

4. Per contra, learned counsel for the State however has opposed the submissions made by counsel for the petitioner. He has submitted that on due compliance of provisions of Section 42 of the NDPS Act, the petitioner along with co-accused was arrested and a heavy commercial quantity of 4 kgs heroin was recovered from the car they were traveling. It was submitted that out of twenty one, seven prosecution witnesses have been examined. He has placed on record custody certificate of the petitioner today in the Court. He submits that the provisions of Section 37 of the NDPS Act are attracted and thus, the petitioner along with the co-accused do not deserve the concession of bail

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is inferred that the FIR has been registered on the basis of the secret information. The recovery has been affected in the presence of DSP on giving the offer to the accused. The custody certificate would show that the petitioner has suffered incarceration of 01 year, 06 months and 29 days as on



18.05.2025. It further shows that he has no criminal antecedent as he has never been involved in any other case of similar nature or any other case.

7. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

19.05.2025
mamta

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No