

In the Court of Jatinder Pal Singh Khurmi, Additional Sessions
Judge, Hoshiarpur. (UID No.PB-0057).

CNR No.PBHO01-008627-2022

CIS Number: 3005 of 2022

Date of Order: 23.11.2022.

Nimmo alias Bujji, aged 36 years wife of Manjit Singh, resident of
Ibrahimpur, Denowal Khurd, Police Station Garhshankar, District Hoshiarpur.

.....Applicant-accused.

Versus

State of Punjab.

.....Respondent.

(2)

CNR No.PBHO01-008630-2022

CIS Number: 3006 of 2022

Date of Order: 23.11.2022.

- 1) Gaurav, aged 32 years son of Paramjit,
- 2) Sourav, aged 28 years son of Paramjit,,
- 3) Kirandeep, aged 21 years wife of Gaurav,
- 4) Sarbjeet Kaur alias Preeti, aged 24 years wife of Sourav, all residents of
Village Denowal Khurd, Police Station Garhshankar, District
Hoshiarpur.

.....Applicants-accused.

Versus

State of Punjab.

.....Respondent.

(3)

CNR No.PBHO01-008628-2022

CIS Number: 3008 of 2022

Date of Order: 23.11.2022.

- 1) Kamaljeet Kaur, aged 35 years wife of Deepak,
- 2) Deepak, aged 36 years son of Surjit Singh, both residents of Village
Denowal Khurd, Police Station Garhshankar, District Hoshiarpur.

.....Applicants-accused.

Versus

State of Punjab.

.....Respondent.

(4)

CNR No.PBHO01-008629-2022

CIS Number: 3012 of 2022

Date of Order: 23.11.2022.

- 1) Babli, aged 43 years wife of Nirmal,
- 2) Nirmal Ram, aged 46 years son of Sant Ram, both residents of Village

Denowal Khurd, Police Station Garhshankar, District Hoshiarpur.

.....Applicants-accused.

Versus

State of Punjab.

.....Respondent.

(5)

CNR No.PBHO01-008631-2022

CIS Number: 3014 of 2022

Date of Order: 23.11.2022.

- 1) Jaswinder Kaur, aged 41 years wife of Dilbagh Ram,
- 2) Lakhwinder Ram, aged 40 years son of Manohar, both residents of Village Denowal Khurd, Police Station Garhshankar, District Hoshiarpur.

.....Applicants-accused.

Versus

State of Punjab.

.....Respondent.

(6)

CNR No.PBHO01-008632-2022

CIS Number: 3017 of 2022

Date of Order: 23.11.2022.

- 1) Pranky alias Pinky, aged 19 years daughter of Dilbagh Ram,
- 2) Jaswant Kaur, aged 31 years wife of Deep,
- 3) Shakuntla Devi, aged 59 years wife of Surjit Singh,
- 4) Kuldeep Kaur, aged 37 years wife of Satpal, all residents of Village Denowal Khurd, Police Station Garhshankar, District Hoshiarpur.

.....Applicants-accused.

Versus

State of Punjab.

.....Respondent.

(7)

CNR No.PBHO01-008626-2022

CIS Number: 3020 of 2022

Date of Order: 23.11.2022.

- 1) Radha, aged 32 years wife of Husan Lal,
- 2) Sohan Lal, aged 43 years son of Mohinder Pal,
- 3) Gurra, aged 62 years wife of Mohinder Pal, all residents of Village Denowal Khurd, Police Station Garhshankar, District Hoshiarpur.

.....Applicants-accused.

Versus

State of Punjab.

.....Respondent.

FIR No.209 dated 15.11.2022.
U/ss 15-18-21-22-29-61-85 of ND&PS Act.
Police Station Garhshankar, Hoshiarpur.

(Seven applications for anticipatory bail U/s 438 Cr.P.C).

Present: Mrs. Ritu Sharma & Shri Sunil Sharma, Counsel for the
applicants-accused.
Shri Nitin Berry, Addl. Public Prosecutor for the State.

ORDER:

1. This order of mine shall dispose off seven bail applications i.e. first application filed by applicant-accused Nimmo alias Bujji, second application filed by applicants-accused Gaurav, Sourav, Kirandeep and Sarabjeet Kaur alias Preeti, third application by applicants-accused Kamaljeet Kaur and Deepak, fourth application filed by applicants-accused Babli and Nirmal Ram, fifth application filed by applicants-accused Jaswinder Kaur and Lakhwinder Ram, sixth application filed by applicants-accused Pranky alias Pinky, Jaswant Kaur, Shakuntla Devi and Kuldeep Kaur and seventh application filed by applicants-accused Radha, Sohan Lal and Gurra, who are seeking anticipatory bail in FIR No.209 dated 15.11.2022, under Sections 15-18-21-22-29-61-85 of ND&PS Act, pertaining to Police Station Garhshankar, District Hoshiarpur.

2. It is pleaded that the police of Police Station Garhshankar has registered the case against the applicants-accused. They are innocent and have committed no offence. No recovery was effected from the applicants-accused and FIR was registered on the secret information. The applicants-accused are not at all connected with the commission of offence. Police is raiding the houses of the applicants-accused and they are having apprehension of their arrest. The applicants-accused undertook to abide by terms of bail and prayed for granting them anticipatory bail in the event of their arrest.

3. Upon notice, Learned Additional Public Prosecutor for State has orally opposed the bail application. Even ASI Ravinder Singh No.929/HPR, from Police Station, Garhshankar, District Hoshiarpur, has submitted statement that he has verified that this is the first bail application of applicants-accused and no such bail application is either filed or pending in court of parallel jurisdiction or any other court or Hon'ble High Court.

4. I have heard the arguments advanced by Learned Counsel for the applicants-accused and Learned Public Prosecutor for State and also have gone through the record carefully and minutely, with their kind assistance.

5. Present FIR was got registered by Inspector Karnail Singh No.415/JR, against 120 accused persons including the applicants-accused. It is narrated in the FIR that police party headed by Inspector Karnail Singh was on patrolling duty on Government and private vehicles for checking of suspected persons and were present at Chandigarh Chowk, Garhshankar where secret information was received that Surjit Singh son of Nandu Ram and other accused persons including the applicants-accused, all residents of Village Denowal Khurd, Police Station Garhshankar, are indulging in selling poppy-husk, smack, white powder (*Heroin*) and other intoxicant substances like intoxicated capsules and tablets. They used to sell the intoxicant substances in nearby Villages and are well known smugglers, spreading bad affects in the society. Earlier also, cases have been registered against some of the accused. It was further informed that the culprits are swinging the youth in the trap of intoxicant substances and if raid is conducted, they could be apprehended with heavy quantity of intoxicant substances. On believing the information to be reliable, Ruqa was sent to the Police Station through Constable Kinder Singh No.685/HPR, for registration of case under Sections 15,18,21,22-61-85 of ND&PS Act. Accordingly, case was registered. However, as per record,

accused Surjit Singh son of Nandu Ram, Nirmala wife of Surjan, Giano wife of Sohan Lal were arrested with recovery of 72 gram intoxicant powder whereas accused Parveen wife of Jatinder alias Happy was arrested with 16 gram '*Heroin*'.

6. Learned Counsel for applicants-accused has argued that no any recovery was effected from the applicants-accused and they have been falsely involved by the police in this case. Even otherwise, the disclosure statement of co-accused is not admissible, as such benefit of anticipatory bail should be granted to the applicant.

7. On the other hand, Learned Additional Public Prosecutor for the State has argued that applicants-accused were nominated in this case as they are indulging in selling heavy quantity of intoxicant substances in surrounding Villages to their customers and are habitual smugglers, hence the applicants-accused should not be granted benefit of anticipatory bail.

8. In this case, applicants-accused and other co-accused have been booked for committing offence of supplying intoxicant substances to their customers in different Villages by forming racket. As per police record, accused Surjit Singh son of Nandu Ram, Nirmala wife of Surjan, Giano wife of Sohan Lal were arrested with recovery of 72 gram intoxicant powder whereas accused Parveen wife of Jatinder alias Happy was arrested with 16 gram '*Heroin*'. The applicants-accused are stated to have indulging in supplying and selling the intoxicant articles at large scale.

9. Moreover, reliance was placed upon "**Yashpal Versus State**" CRM-37743 of 2022 (O&M), decided on 25.8.2022", the relevant portion of which is reproduced hereunder:

"The NDPS Act is self contained statue which specifically deals with menace of drugs. Stringent provisions have been provided therein

for dealing with such cases. The ground that the petitioner was only named by the secret informer is itself cannot be sole consideration for grant of pre-arrest bail. A deeper probe is required to unearth the modus-operandi and chain of supply. Further, as to whether it is a case of false implication or not, would be a subject matter of investigation”.

10. The Hon’ble Supreme Court in “**Criminal Appeal No.1005 of 2002 titled State of Haryana Versus Samarth Kumar, decided on 20.7.2022**”, has held that *advantage of the fact that no recovery was/is to be effected from the petitioner and that the petitioner has been indicated on the disclosure statement of the co-accused, as held in ‘Tofan Singh Versus State(2021) 4 SCC-1’, can be taken into consideration while dealing with the regular bail application or at the time of final hearing after conclusion of the Trial.*

11. Even, the menace of drugs is increasing day by day spoiling careers of youth. To know the nexus between Mafia and applicants-accused is to be unearthed, the custodial interrogation of applicants-accused is very much required. So, placing reliance upon this case law and keeping in view the facts and circumstances of the case, applicants-accused are not entitled to benefit of anticipatory bail. Resultantly, bail applications filed by applicants-accused Nimmo alias Bujji, Gaurav, Sourav, Kirandeep, Sarabjeet Kaur alias Preeti, Kamaljeet Kaur, Deepak, Babli, Nirmal Ram, Jaswinder Kaur, Lakhwinder Ram, Pranky alias Pinky, Jaswant Kaur, Shakuntla Devi, Kuldeep Kaur, Radha, Sohan Lal and Gurra, under Section 438 Cr.P.C, for grant of anticipatory bail are dismissed, being without merits. In the light of law referred above, the applicants-accused are directed to surrender and to apply for regular bail. Police record returned and bail application be attached with the remand papers.

Announced in open Court:
Dated: 23rd November, 2022.
‘Gautam Manocha, JW (SG)’

(Jatinder Pal Singh Khurmi),
Judge, Special Court, Hoshiarpur.
(UID No.PB-0057).

Gaurav & Others Versus State. BA No.3006-2022.
(CNR No.PBHO01-008630-2022).

Present: Mrs. Ritu Sharma & Shri Sunil Sharma, Counsel for the
applicants-accused.
Shri Nitin Berry, Addl. Public Prosecutor for the State.

Police record received and perused. Statement of ASI Ravinder Singh No.929/HPR, from Police Station, Garhshankar, District Hoshiarpur, has been recorded. Arguments heard. Vide my separate detailed order of even date, in the main application titled as “*Nimmo alias Bujji & Others Versus State*”, filed under Section 438 Cr.P.C, for grant of anticipatory bail, this application filed by applicants-accused Gaurav, Sourav, Kirandeep, Sarabjeet Kaur alias Preeti and Kamaljeet Kaur, for grant of anticipatory bail, has been dismissed, as detailed therein. Police record returned and bail application be attached with the remand papers.

Announced in open Court:
Dated: 23rd November, 2022.
‘Gautam Manocha, JW (SG)’

(Jatinder Pal Singh Khurmi),
Judge, Special Court, Hoshiarpur.
(UID No.PB-0057).