

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

CNR No.PBHO01-008541-2022

CIS Number: 2966 of 2022

Date of Order: 23.11.2022.

- 1) Davinderjit Kaur, aged about 35 years wife of Baljit Singh,
- 2) Jaswinder Kaur, aged about 48 years wife of Bishan Chand,
- 3) Neelam, aged about 27 years wife of Pardeep Kumar,
- 4) Pardeep Kumar, aged about 26 years son of Bishan Chand,
- 5) Mandeep Singh alias Navdeep alias Gora, aged 22 years son of Tilak Raj, all residents of Village Denowal Khurd, Police Station Garhshankar, District Hoshiarpur.

.....Applicants-accused.

Versus

State of Punjab.

.....Respondent.

(2)

CNR No.PBHO01-008540-2022

CIS Number: 2967 of 2022

Date of Order: 23.11.2022.

- 1) Hussan Lal, aged about 46 years son of Sahinder,
- 2) Raj alias Raja, aged about 36 years son of Sinder Singh,
- 3) Baljit Singh, aged about 44 years son of Mohinder Singh, all residents of Village Denowal Khurd, Police Station Garhshankar, District Hoshiarpur.

.....Applicants-accused.

Versus

State of Punjab.

.....Respondent.

(3)

CNR No.PBHO01-008542-2022

CIS Number: 2968 of 2022

Date of Order: 23.11.2022.

- 1) Santokh Singh, aged about 63 years son of Ishar Singh,
- 2) Disho, aged 60 years wife of Santokh Singh,
- 3) Jagtar Singh, aged about 35 years son of Santokh Singh,
- 4) Aman Kumar, aged about 30 years son of Sajjan Ram, all residents of Village Denowal Khurd, Police Station Garhshankar, District Hoshiarpur.

.....Applicant-accused.

Versus
State of Punjab.

.....Respondent.

(4)

CNR No.PBHO01-008543-2022
CIS Number: 2969 of 2022
Date of Order: 23.11.2022.

- 1) Sandeep alias Krishna Rani, aged about 39 years wife of Kashmira,
- 2) Inderjit Kaur, aged about 48 years wife of Satnam,
- 3) Gurjit Ram, aged about 44 years son of Davinder Pal,
- 4) Nimo, aged about 40 years wife of Gurjeet Ram,
- 5) Anjana Devi, aged about 32 years wife of Ashwani Kumar,
- 6) Satpal, aged about 40 years son of Nirmal Chand, all residents of Village Denowal Khurd, Police Station Garhshankar, District Hoshiarpur.

.....Applicants-accused.

Versus
State of Punjab.

.....Respondent.

(5)

CNR No.PBHO01-008544-2022
CIS Number: 2970 of 2022
Date of Order: 23.11.2022.

- 1) Kamaljit Kaur, aged about 47 years wife of Husan Lal,
 - 2) Ninder, aged 64 years wife of Sinder Singh,
 - 3) Satish Kumar, aged about 21 years son of Husan Lal,
 - 4) Rajiv Kumar, aged about 26 years son of Husan Lal,
 - 5) Ashwani Kumar, aged about 33 years son of Santokh Singh,
- all residents of Village Denowal Khurd, Police Station Garhshankar, District Hoshiarpur.

.....Applicant-accused.

Versus
State of Punjab.

.....Respondent.

(6)

CNR No.PBHO01-008625-2022
CIS Number: 3016 of 2022
Date of Order: 23.11.2022.

Roshan Lal, aged about 35 years son of Naranjan Ram, resident of Village Denowal Khurd, Police Station Garhshankar, District Hoshiarpur.

.....Applicant-accused.

Versus

State of Punjab.

.....Respondent.

(7)

CNR No.PBHO01-008624-2022

CIS Number: 3018 of 2022

Date of Order: 23.11.2022.

- 1) Ajay Kumar, aged about 29 years son of Gurnam Singh,
- 2) Rani, aged about 51 years wife of Gurnam Singh,
- 3) Rajji alias Komal, aged about 30 years wife of Mangat Ram,
- 4) Mangat Ram alias Manga, aged about 28 years son of Tarsem Lal,
- 5) Tarsem Lal, aged about 53 years son of Gurmail Ram,
- 6) Kamaljit Kaur, aged about 30 years wife of Roshan Lal, 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: Shri Harjit Kumar Rana, 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 applicants-accused Davinderjit Kaur, Jaswinder Kaur, Neelam, Pardeep Kumar and Mandeep Singh alias Navdeep; second application filed by applicants-accused Husan Lal, Raj alias Raja and Baljit Singh, third by applicants-accused Santokh Singh, Disho, Jagtar Singh and Aman Kumar, fourth application filed by applicants-accused Sandeep alias Krishna Rani, Inderjit Kaur, Gurjit Ram, Nimo, Anjana Devi and Satpal, fifth filed by applicants-accused Kamaljit Kaur, Ninder, Satish Kumar, Rajiv

Kumar and Ashwani Kumar, sixth filed by Roshan Lal and seventh filed by applicants-accused Ajay Kumar, Rani, Rajji alias Komal, Mangat Ram alias Manga, Tarsem Lal and Kamaljit Kaur wife of Roshan Lal, 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, Hoshiarpur.

2. It is pleaded that the police of Police Station Garhshankar, is raiding the residence of applicants-accused to arrest them. Police is harassing the applicants and they have committed no offence. The applicants-accused are having apprehension of their arrest. The allegations mentioned in the FIR are general in nature and infact, no offence is made out against the applicants-accused. The applicants-accused have been falsely implicated by the police. 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 suffered 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. He further narrated about FIRs earlier registered against some of the accused, as per Annexure attached with the file.

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 statute 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 applicants-accused Davinderjit Kaur, Jaswinder Kaur, Neelam, Pardeep Kumar, Mandeep Singh alias Navdeep; Husan Lal, Raj alias Raja, Baljit Singh, Santokh Singh, Disho, Jagtar Singh, Aman Kumar, Sandeep alias Krishna Rani, Inderjit Kaur, Gurjit Ram, Nimo, Anjana Devi and Satpal, Kamaljit Kaur, Ninder, Satish Kumar, Rajiv Kumar, Ashwani Kumar, Roshan Lal, Ajay Kumar, Rani, Rajji alias Komal, Mangat Ram alias Manga, Tarsem Lal and Kamaljit Kaur wife of Roshan Lal, 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).

Santokh Singh & Others Versus State. BA No.2968-2022.
(CNR No.PBHO01-008542-2022).

Present: Shri Harjit Kumar Rana, 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 this main application titled as "*Davinderjit Kaur & Others Versus State*", filed under Section 438 Cr.P.C, for grant of anticipatory bail, this application filed by applicants-accused Santokh Singh, Disho, Jagtar Singh and Aman Kumar, 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).