

IN THE COURT OF DR RAM KUMAR SINGLA

UID No. PB-0122

JUDGE SPECIAL COURT

KAPURTHALA

CNR No.
PBKP010044452021



Case No. BA/1781/2021

Presented on : 06-09-2021

Registered on : 06-09-2021

Decided on : 13-09-2021

Amarjit Singh @ Laddi, s/o Bhajan Singh, aged about 29 years, r/o
Village Nawan Pind Bhathe, District Kapurthala.

.... Applicant/accused.

Versus

State of Punjab.

..... Respondent.

FIR No.38 of 21.03.2021,
U/s 21(b), 29 of NDPS Act, 1985 and
Section 25 of Arms Act, 1959,
Police Station – Fattudhinga, District Kapurthala.

Application for bail under Section 439 of Cr.P.C.

Present: Sh.Suresh Chopra, Advocate for the applicant/accused.
Ms.Aarti Mehta, Addl. Public Prosecutor for the State.

O R D E R

Record perused. **Arguments have been heard** on the
regular bail application of above referred applicant/ accused in the
aforesaid FIR No.38 of 21.03.2021. The challan has already been

presented in the present case against accused persons namely Jagroop Singh, Lakhwinder Singh and Dilraj Singh.

2. Briefly, the prosecution allegations are that on 21.03.2021, ASI Kuldeep Singh along with his police team was on *Special Nakabandi* and was present in the area of Villages Khanpur and Rattrra. In the meantime, they saw one Swift Car of silver colour bearing registration No.CH-01-AK-1776, which came from the side of Kapurthala and the same was signaled to stop by ASI Kuldeep Singh. However, while the driver of the aforesaid Swift Car made an attempt to skip away from the spot, the said car was struck into the bushes and a heavy polythene bag was thrown out from the said car. Three young persons came out from that car and ran towards the side of Village Rattrra, but were apprehended at the spot.

3. On enquiry, the driver of the said Swift Car disclosed his name as Jagroop Singh, the person next to driver seat disclosed his name as Lakhwinder Singh @ Bholu and the person on the rear seat disclosed his name as Dilraj Singh @ Raj. Afterwards, upon checking the said polythene bag that 150 grams of Heroin/ Diacetylmorphine was recovered from the same. Further, upon personal search of aforesaid Lakhwinder Singh @ Bholu, a pistol with magazine and three live cartridges of 7.65 MM were recovered from the left pocket of his wearing trousers. Similarly, upon personal search of Dilraj Singh, a pistol with magazine and two live cartridges of 7.65 MM were recovered from the left pocket

of his wearing trousers.

4. Thereafter, on the basis of disclosure statements of aforesaid accused persons, the name of present applicant Amarjit Singh @ Ladi was also unearthed in the present case being seller of the said contraband to them and he was nominated in the present case for the offence punishable under section 29 of NDPS Act, 1985, vide Rapat No.20 of 24.03.2021 and was apprehended on 27.08.2021. In his interrogation, he has disclosed before the police that on 21.03.2021, the accused persons of the present FIR, had purchased 150 grams of Heroin from him for a sum of Rs.1,50,000/-. Afterwards, recovery of one mobile phone set and Rs.4000/- cash was also effected on the basis of his disclosure statement.

5. Thereafter, on the further disclosure statement of accused Dilraj Singh @ Dilli, the name of Bakhshish Singh @ Sona was also unearthed in the present case. The persons who were apprehended with contraband were used to sell the contraband through said Bakhshish Singh @ Sona and a pistol was also supplied to him by Dilraj Singh @ Dilli, so, the said Bakhshish Singh being assisting to the apprehended accused persons to sell contraband i.e. Heroin by having pistol also, so, he was nominated as an accused in the present case for the offence punishable under section 29 of NDPS Act, 1985 and section 25 of Arms Act, 1959, vide Rapat No.12 of 26.03.2021. The aforesaid Dilraj Singh @ Dilli also disclosed before the police

that he had purchased two pistols from Madhya Pradesh. Apart from that recovery, it has also been confessed before the police that he further handed over two pistols to Lovepreet and one pistol was given by him to Simranjit Singh. Now, the applicant/ accused Amarjit Singh @ Laddi is in custody in the present case since 27.08.2021, who has sought his regular bail vide present bail application.

6. The learned counsel for the applicant has argued that he has been falsely implicated in the present case. The alleged recovery of contraband and arms has been planted upon the accused persons. The sufficient period of his custody has already been passed. The presentation of supplementary challan against the applicant/ accused and conclusion of trial will take long time. He could not be detained for indefinite period. Therefore, he is entitled to the concession of regular bail.

7. On the other hand, the learned Addl. PP for the State has replied that though challan against the present applicant/ accused has not been presented and applicant/ accused is in custody since 27.08.2021, but there are serious allegations against the applicant/ accused in the present case as heavy quantity of contraband i.e. 150 grams of Heroin along with two pistols with magazines and five live cartridges have been recovered in the present case. The investigation is still under progress qua Amarjit Singh and Bakhshish Singh, who have also been found associates with the arrested accused persons to transport and sell that illegal arms and contraband. Moreover, the track record of applicant/ accused is not above

board as he is found involved in number of cases, which is evident from the police record. Therefore, the applicant/ accused is not entitled to the concession of regular bail.

8. To the aforesaid arguments and to the entire episode of crime, as referred above with detailed facts and circumstanced on record, admittedly, the challan has not been presented against the applicant/ accused, who is in custody in this case since 27.08.2021, but the point to be considered here is that heavy quantity of contraband has been found allegedly recovered from the non applicants in the present case i.e. 150 grams of Heroin/ Diacetylmorphine. Apart from that recovery of contraband, the investigation team also got recovered two pistols with magazines and five live cartridges. Moreover, it has also come on record, that the apprehended accused persons including the applicant, as referred above, were found selling / transporting of that contraband along with illegal arms i.e. pistols and live cartridges, obviously to commit illegal and unwarranted activities. The investigation proceedings are still under progress qua Amarjit Singh and Bakhshish Singh, who have been found associated with the arrested accused persons to transport and sell that contraband with the use of illegal arms. So, to these allegations, to transport that heavy quantity of contraband and that too armed with pistols compels to infer that the applicant and his associates might be drug peddlers, whereas there are direct allegations against the applicant that he is kingpin of selling that contraband in that area, as the persons from

whom the alleged recovery of contraband was effected have disclosed that they were used to purchase that contraband from the present applicant/accused. The applicant/accused had allegedly sold that 150 grams of Heroin to the tune of Rs.1,50,000/- to the accused persons from whom the alleged recovery of contraband i.e. Heroin was effected. In consequent to that, the applicant /accused got effected the recovery of Rs.4000/- as part of that drug money and a mobile phone set used to commit that unlawful activities of selling drugs by the applicant/accused. Apart from aforesaid facts and circumstanced on record, the police record is speaking at volume about the criminal record of the applicant/accused that he is involved in 11 more cases having the detail as follows:-

Sr. No.	FIR No.	Date	Offence	Police Station
1	135	07.10.2008	452, 323, 354, 428, 148, 149 IPC	Kotwali Kapurthala
2	41	12.03.2013	354, 341, 34 IPC	Kotwali Kapurthala
3	82	03.05.2015	452, 323, 324, 148, 149 IPC	Kotwali Kapurthala
4	125	07.06.2015	323, 324, 34, 354 IPC	Kotwali Kapurthala
5	14	20.01.2017	376, 506 IPC and 66(1) of I.T. Act	Kotwali Kapurthala
6	134	05.06.2018	22 NDPS Act	Kotwali Kapurthala
7	106	05.06.2018	323, 324, 34 IPC	Kotwali Kapurthala
8	109	06.06.2019	22 NDPS Act	Kotwali Kapurthala
9	61	04.04.2016	15/18/20/21/22 NDPS Act	Kotwali Kapurthala
10	60	05.04.2017	22 NDPS Act	Kotwali Kapurthala
11	303	13.10.2017	22 NDPS Act	Kotwali Kapurthala

9. In such a situation, as referred above, but without commenting on the merits of the case, having that serious allegations and his track record, the applicant/ accused could not be granted concession of regular bail.

10. Consequently, the present regular bail application of the applicant/ accused is hereby declined and disposed off accordingly. It be appended with the main case file of present FIR. However, any observation made herein shall not be construed to be an expression on merits of the case. Record be returned accordingly.

Pronounced in open Court.
Dated:13.09.2021.

Kaushal Kumar

(Dr Ram Kumar Singla)
Judge Special Court,
Kapurthala.
(UID No. PB-0122).

(Directly dictated on computer)