

281

CRM-M-1962-2024

**YOGRAJ SINGH ALIAS YOGA ALIAS GARRY**  
**VS**  
**STATE OF PUNJAB**

Present:- Mr. Rishu Mahajan, Advocate  
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

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The following order was passed on 29.01.2024:-

*"The FIR in the present case was registered on 12.06.2023. As per the case set up by the prosecution, the petitioner was confined in Central Jail, Amritsar at the time of commission of the offence. As per the case of the prosecution, the petitioner had connections with certain Pakistani nationals and he was also in touch with the other accused. Thus, it is apparent that the petitioner was operating the illegal business of drug trafficking from the Central Jail, Amritsar.*

*A specific query was put to the learned State counsel as to how many jail officials have been arrayed as accused in the present case. Learned State counsel submits that in the present case, Yograj Singh has already been interrogated by the police. However, no jail official has been arrayed as accused in the present case.*

*A Status report of investigation may be filed in the present case by way of an affidavit of the SSP Gurdaspur. The SSP Gurdaspur shall also explain the reasons for not arraying the jail officials as accused in*

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*[Signature]*  
29/01/24

*the present case, when admittedly, the present petitioner was making calls from the jail itself and was indulging in drug trafficking in the area of Gurdaspur”.*

In compliance of the last order, a status report has been filed by way of an affidavit of the SSP, Gurdaspur. It has been stated in the affidavit that in the present case, principal accused Yograj @ Yoga @ Garry (who was facing three more cases of NDPS Act and four cases under the Arms Act for selling illicit weapons) was using phone numbers; +351934598128 and +351936359568. It has been further stated that the Investigating Agency made sincere efforts to trace the call details of the said numbers, however, the numbers used were international numbers and were not traceable and even call records could not be obtained. A specific query was put to the Investigating Officer SI Rajesh Kumar as well as DSP City Gurdaspur with regard to the investigation conducted in this regard. However, no satisfactory reply has been given by both of them. Even, it is apparent that no expert in this regard was associated during the course of investigation. Still further, even, they have admitted that the help of the Cyber experts of the police was not taken in this regard.

Still further, the SSP Gurdaspur, was also directed to explain the reasons for not arraying the jail officials as accused in the present case, when admittedly, the petitioner was making calls from the jail itself and was indulging in drug trafficking in the area of Gurdaspur. It is surprising that the said query has not been answered

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Chandigarh

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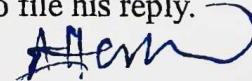
by the SSP, Gurdaspur. Rather, it has been stated that after the passing of the orders by this Court, a letter has been written to the Additional Director General of Police (Prisons) and he has been requested to initiate an inquiry in the present case. Even, he has been requested to take action against the erring officials. It is understandable as to how the Additional Director General of Police (Prisons) could investigate the matter, when he had no concern with the investigation of the present case FIR No. 61 dated 12.06.2023. Still further, when the police has not even bothered to investigate against the jail officials and has not looked into their involvement in the smuggling, it would be impossible for the ADGP (Prisons) to even take departmental action against them. Thus, it is apparent that every effort has been made to shield the erring jail officials, who were involved in the crime with the principal accused. Apart from that, no efforts were made to collect the evidence against the other accused also.

At this stage, the Central Bureau of Investigation through the Joint Director, Sector 30 Chandigarh, is ordered to be impleaded as respondent No. 2.

On the asking of the Court Mr. Prateek Gupta, Advocate, who is present in the Court, accepts notice on behalf of the newly added respondent No. 2 and prays for time to file his reply.

List on 29.02.2024.

Read  
Punjab & Haryana High Court  
Chandigarh

  
15/2/24

CRM M-1962-2024

-4-

The Investigating Officer, SI Rajesh Kumar and the DSP Sukhpal Singh Randhawa shall also remain present in the Court on the next date of hearing.

The Registry of the Court is directed to send a copy of this order to the Director General of Punjab for information and necessary action.

A copy of this order be handed over to the learned State counsel as well as learned counsel for C.B.I. under the signatures of the Bench Secretary of this Court for compliance.



15.02.2024  
amit rana



(N.S.SHEKHAWAT)  
JUDGE



Punjab & Haryana High Court  
Chandigarh

15/02/24