

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-13912 of 2022

Date of Decision: 26.05.2022

Rinku Singh

.....Petitioner

Versus

Union of India

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Ms. Riffi Bala Birla, Advocate for the petitioner.
Ms. Gurmeet Kaur Gill, Sr. Panel Counsel for respondent-UI.

HARINDER SINGH SIDHU, J

Prayer is for grant of anticipatory bail in case NCB Crime No.30 dated 14.04.2021 under Sections 8,21,23,29,61 of NDPS Act, 1985 registered at Police Station NCB, Chandigarh.

Complaint was filed by the Union of India through Narcotics Control Bureau, Chandigarh against Rinku Singh (petitioner), Gurpreet Singh @ Mangal and Babbu @ Satnam Singh under Section 36-A of NDPS Act with the allegations that on 14.04.2021 a specific information was received by Sandeep Kumar Yadav, Assistant Director, NCB, Amritsar that on 14.04.2021, the troops of 52 BN, BSF have recovered six packets of suspected Narcotics Drugs, one Mobile, One plastic bottle containing some liquid substance from the possession of one Indian national Gurpreet Singh @ Mangal Singh and that on further search of the area two more packets of the suspected Narcotics Drugs were recovered which the BSF wanted to hand over to the Narcotics Control Bureau. On receipt of this information further proceedings were carried out and notice under Section 50 of NDPS Act was served upon the apprehended accused Gurpreet Singh @ Mangal Singh. During interrogation of the apprehended accused, he admitted that

he came to collect the contraband on the asking of and in connivance with the present petitioner Rinku Singh and Babbu Singh @ Satnam Singh. It was on the basis of such information that the present petitioner was also nominated in this case and complaint under Section 36-A of NDPS Act instituted against him and other co-accused.

Learned counsel for the petitioner submits that no recovery has been effected. The petitioner is being implicated only on the disclosure statement of co-accused.

Upon notice, a reply by way of affidavit of Rahul Saini, Intelligence Officer, NCB, Chandigarh has been filed on behalf of respondent (NCB) wherein it is stated that the accused Gurpreet Singh was served with the notice under Section 67 of NDPS Act, 1985 and he admitted the manner and factum of recovery. He further disclosed his mobile number as 7814583205 and Babbu's mobile number as 9465615010 and Rinku i.e present petitioner's mobile number as 7717388860. He further disclosed that around 10 days ago, he had met Babbu and Rinku at Joginder da dhaba at Fazilka where Babbu informed him and Rinku that he had contacts with Pakistani Smuggler and he would get packets of Heroin from him and they would get Rupees 02 Lakhs for each Packet. Thereafter Babbu got him and Rinku and checked out the area of BOP Lakha Choki, BSF. Babbu further informed him and Rinku that on Baisakhi i.e 13th April, the Pakistani Smuggler would come near the wire of BSF and on being signaled, they would throw the packets inside the Indian border and both of them have to pick those packets. Accused Gurpreet further disclosed that according to the plan, on the day of Baisakhi, he alongwith Rinku went to the area of BSF Chowki, Lakha Asli. Rinku sent his location from his mobile to the

Pakistani Smuggler. Rinku stopped behind the wires tied on the border and hid in the wheat fields near the wires. After some time as per the plan, the Pakistani smuggler threw two stones and then he also threw one stone and thereafter, Pakistani Smuggler threw the packets of Heroin inside the Indian Border but on hearing the sounds of packets, the BSF got alerted and came to the place where the packets were thrown. He further disclosed that he hid in the wheat fields and picked up those 06 packets and placed those packets on his body. Thereafter, the BSF troops came towards him and handed over a notice and conducted his personal search. Hence, the present petitioner had actively participated in the conspiracy and smuggling of commercial quantity of Heroin from Pakistan to India.

It is further stated in the reply that the co-accused Satnam Singh @ Babbu were also arrested in this case, who made statements u/s 67 of NDPS Act and disclosed that he knew Gurpreet Singh and Rinku. He informed them that they had to pick the packets of Heroin thrown by Pakistani Smuggler inside the Indian Border and they would get Rupees 02 lakhs for each packet. He further disclosed that the present petitioner ran away from the spot and he identified the photographs of Gurpreet Singh and Rinku. Hence, the present petitioner was actively involved in the smuggling of Heroin and went to the BSF Chowki Lakhawali for receiving the commercial quantity of contraband from Pakistani Smuggler. It is further averred that the petitioner was issued several notices dated 17.04.2021, 07.07.2021 and 06.08.2021 besides being given ample time to join the investigation but he did not join the investigation and evaded the process of law. The present petitioner was actively involved in the conspiracy of transporting commercial quantity of contraband from Pakistan to India and

does not deserve any relief from this Court. It is stated that the CDR analysis revealed that there were sufficient communication between Gurpreet Singh, Rinku Singh (petitioner) and Satnam @ Babbu. It shows that to run the network of illegal drug business, they had frequently communicated with each other. After analysis of CDR all accused were found connected with each other. All the aforesaid co-accused have specifically named the present petitioner. The co-accused have also verified his photographs and disclosed in detail about the plan of smuggling of Heroin. The petitioner is found indulged in the trafficking of Commercial quantity of Heroin after thorough investigation. Apart from the statements of co-accused, there is substantial evidence against the petitioner in the form of call detail records.

From the reply aforesaid, the role and active involvement of the petitioner is apparent.

In view thereof, no ground is made out for grant of anticipatory bail to the petitioner.

Dismissed.

May 26, 2022
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No