



237 CRM-M-64450-2023

BALDEV SINGH V/S STATE OF PUNJAB

Present :- Mr. Atul Lakhanpal, Senior Advocate with
Ms. Caral, Advocate for the petitioner.

Mr. J.S.Arora, DAG, Punjab.

Short reply by way of affidavit of Sikander Singh, PPS, Deputy Superintendent of Police, Special Task Force, Border range, District Amritsar on behalf of respondent has been filed. The same is taken on record.

On 05.01.2024 the following order was passed :-

As per the case of the prosecution which has been noticed in the order passed by Judge Special Court, Tarn Taran declining the bail of the petitioner the role attributed to the petitioner reads as under :

“4. As per allegations of prosecution, on 15.10.2022 police party headed by SI Sumit Singh of S.T.F. Border Range Amritsar intercepted the co-accused Sonu Singh alias Sony with other co-accused of the applicant/accused namely Gurmukh Singh when they were seen coming riding Activa vehicle being driven by the applicant/accused. From the tool box of the vehicle five packets each containing 1 kilogram of heroin totalling commercial quantity of 5 kilograms heroin was recovered in presence of Gazetted Officer. This huge quantity of heroin was arranged by the applicant/accused from his contacts based in Pakistan by contacting them on WhatsApp from some international number while sitting in the jail. Applicant/accused herein also is guilty of concealment of material facts of his earlier involvement in committing similar offences of dealing with narcotics i.e. heroin and about his involvement in committing other serious offences for carrying and possessing illegal firearms as submitted by the learned Additional Public Prosecutor for State. Applicant/ accused also is previous convict and now again is found involved in dealing with narcotics which reflect that the applicant/accused is

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habitual in dealing with narcotics and is in no mood to mend his ways. Also provisions of Section 37 of NDPS Act curtail the power of this court to grant bail to the applicant/accused. xxx”

The story put-forth by the prosecution indeed narrates a shocking tale whereby a person in custody has been allegedly able to contact his contacts in Pakistan to import the narcotic and psychotropic substances.

State to file affidavit as to what action has been taken against the Jail Authorities.

An affidavit of Home Secretary be also filed w.r.t. the steps being taken by the State to make sure that such incidents don't happen within the jail premises.

List on 11.01.2024.”

This Court is appalled to notice that despite a serious issue being raised, the Government of Punjab has remained inert and even the affidavit could not be filed. Before commenting further, another opportunity is being granted to the Home Secretary, Govt. of Punjab to comply with the order dated 05.01.2024.

Adjourned to 12.01.2024.

**(PANKAJ JAIN)
JUDGE**

11.01.2024

Pooja sharma-I