

Sr. No.109+213

CRM-6112-2025 in
CRA-D-891-2022

SAHAB SINGH @ SABA V/S STATE OF HARYANA

Present: Mr. Raghav Garg, AAG, Punjab and
Mr. Rahul Jindal, AAG, Punjab, for the applicant.

Mr. Rahul Dev Singh, Addl. A.G., Haryana.

Mr. Deepak Sabherwal, Advocate, for the respondent – CBI.

Mr. Sourabh Goel, Advocate and
Ms. Samridhi Jain, Advocate, for the respondent – NCB.

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On 02.08.2021, in CRM-M-28183-2019 titled as “Sarabjit Singh vs. State of Punjab”, a learned Single Judge of this Court directed the Central Bureau of Investigation (for short – CBI) to conduct investigation in a matter which was already being investigated by the State of Punjab as the learned Single Judge was of the view that tablets containing Tramadol Hydrochloride, which is a narcotic drug under the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – NDPS Act), recovered by the State of Punjab were not being fully accounted for and that part of the recovered tablets were also being used to implicate innocent persons.

Order dated 02.08.2021 was passed after hearing learned counsel appearing for the State of Punjab. This order was not challenged by the State. Rather, in pursuance thereto CBI registered an FIR; investigated the matter and on 30.12.2021 filed its charge-sheet before the Trial Court where the matter is reportedly pending.

On 04.09.2024, while dealing with a similar matter being CRM-27016-2024, a Coordinate Bench of this Court, after noticing the afore-referred order dated 02.08.2021, passed the following directions:-

“5. It is noticed that in cases relating to NDPS, most of the drugs are those which are found in vials but in the form of medicines. Obviously, these are manufactured by various pharmaceutical firms and being released in the market in clandestine manner. No steps are found to have been taken by the CBI or NCB in spite of the aforesaid orders.

6. Counsel for CBI is directed to accept notice. Counsel for UOI dealing with NCB matters, shall also take notice and inform this Court as to what steps have been taken for regulating the manufacture of prohibited drugs by the drug manufacturing companies in State of Punjab as well as State of Haryana.

7. Mr. Deepak Sabharwal, Advocate, who appears for CBI; Mr. Sourabh Goel, Advocate, who appears for Narcotics Department in this Court in several cases, are directed to accept notice and take instructions in the matter.” (emphasis supplied)

Through the afore-quoted directions the Coordinate Bench directed the CBI and Narcotics Control Bureau (for short – NCB) to inform this Court with regard to the steps taken by the agencies for regulating the manufacture and distribution of prohibited drugs being manufactured in the States of Punjab and Haryana.

The directions given by the Coordinate Bench on 04.09.2024 were also not challenged by the State.

Taking the cause further, which had been initiated by this Court through its afore-referred orders dated 02.08.2021 and 04.09.2024, through order dated 21.11.2024, a Coordinate Bench, after considering the affidavits filed before it by the CBI and NCB and noticing that various criminal matters were coming up before this Court with regard to recovery of huge

quantity of drugs manufactured in the region, the Coordinate Bench, in the larger public interest, issued directions to the CBI to form a Special Investigation Team alongwith officers from the NCB and the State Police authorities to inquire into the matter and submit a report. To make such inquiry meaningful, directions were issued to the Director General of Police of the States of Punjab, Haryana and Union Territory of Chandigarh to extend full cooperation to the CBI/NCB.

Through the instant application, the State of Punjab seeks modification of the interim order of this Court dated 21.11.2024 primarily on the ground that such order dampens the morale of the State police.

Interim order dated 21.11.2024 has been passed by this Court in the exercise of its criminal jurisdiction. No specific provision under the Bharatiya Nagarik Suraksha Sanhita, 2023 was pointed out by the learned State counsel empowering this Court to recall or modify the said order. Nonetheless, on his insistence, we have heard him at length.

Order dated 21.11.2024 is in continuance and an off shoot of the afore-referred two orders passed earlier by this Court on 02.08.2021 in CRM-M-28183-2019 and 04.09.2024 in the instant proceedings. Strangely, neither of the aforesaid two orders have been challenged by the State. Rather, the State has allowed them to attain finality.

A careful reading of the order of this Court dated 21.11.2024 reveals that through the same no comment has been made on the working of the police in either of the States of Punjab and Haryana or Union Territory of Chandigarh. Apparently, for this reason no similar application as the present one has been filed by either the State of Haryana or U.T. of Chandigarh.

Even otherwise, order dated 21.11.2024 has been passed when this Court found that the illegal sale of drugs were unfortunately spreading across the entire region blurring the borders of the States of Punjab and Haryana with these drugs being manufactured in not only these States but also in the State of Himachal Pradesh. Therefore, it was rightly felt that the inquiry in this issue be entrusted to a Central and a specialized agency like the CBI/NCB.

The directions contained in the order dated 21.11.2024 should not be construed by the State of Punjab to be adversarial. Rather, the CBI, NCB and State Police in the States of Punjab, Haryana and U.T., Chandigarh should, in terms of the said order, cooperate to make an earnest attempt to eradicate the problem of drug menace especially when through the instant application, the State of Punjab itself acknowledges that as on date thousands of criminal cases under the NDPS stand registered in the State; narcotic substances including thousands of kilograms of heroin/opium and 126 million tonnes of poppy husk alongwith 4.38 crores narcotics tablets/capsules have been recovered by the State Police; smuggling of drugs, drug money and weapons is rampant across the international border and that so far, over one thousand drones have been sighted but only 431 of these drones carrying drugs/weapons across the border have been recovered.

Further, in pursuance to order of this Court dated 21.11.2024, the CBI has filed an interim status report in a sealed cover after perusal of which we find that so far, the CBI/NCB are moving in the right direction. The objective for which the order dated 21.11.2024 was passed may well be achieved if and when the CBI/NCB take its inquiry to its logical end. Lest the investigations are hampered, at this stage, we refrain from referring to

the details contained in the interim status report except that as per such report, the suspicious entities involved in the illegal manufacture of drugs containing narcotics which are finding their way to the States of Punjab and Haryana are also situated in other parts of the Country which are well beyond the borders of the States of Punjab, Haryana or Union Territory of Chandigarh. Therefore, for this reason also, it is desirable that Central agencies like the CBI/NCB are allowed to inquire into this issue.

In the light of the above, we find no reason to stall the afore investigation by recalling/modifying the interim order dated 21.11.2024, especially when the said order was passed in the presence of the learned Additional Advocate General for the State of Punjab and at that time no reservation on behalf of the State was made.

Dismissed.

(DEEPAK SIBAL)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

February 13, 2025
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