

2025:PHHC:075404



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

1. **CRM M-29969-2025**
Date of Decision:28.05.2025

Bagga Bhagat ...Petitioner
Versus
State of Punjab ... Respondent

2. **CRM M-18720-2025**

Narvir Singh ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Mitul Singh Rana, Advocate
for the petitioner in CRM-M-29969-2025.

Mr. Navraj Singh, Advocate for the petitioner
in CRM-M-18720-2025.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.SHEKHAWAT, J.

1. This order shall dispose off two petitions, i.e., CRM M-29969 of 2025 titled as “***Bagga Bhagat Vs. State of Punjab***”, and CRM M-18720-2025 titled as “***Narvir Singh Vs. State of Punjab***”, whereby, the petitioners have prayed for grant of concession of anticipatory bail in a case FIR No. 64 dated 06.03.2025 under Sections 21, 22, 29, 59(2) of the NDPS Act registered at Police

Station Anti Narcotics Force (ANTF), Wing Hoshiarpur, District Hoshiarpur, Punjab.

2. Since, both the petitions have arisen out of the same FIR and similar arguments have been raised for both the petitioners, these petitions have been taken up together for disposal by this Court.

3. The FIR in the present case has been registered on the basis of the complaint received from Inspector General of Prisons, Punjab and the same has been reproduced below:-

“Special Director General of Police, Anti-Narcotics Task Force, Punjab, reference number 3964/AC-5, dated 06-03-2025, states: OFFICE OF THE SPECIAL DIRECTOR GENERAL OF POLICE, ANTI-NARCOTICS TASK FORCE, PUNJAB To: Station House Officer, Police Station, Anti-Narcotics Task Force, Sector-79, SAS Nagar No. 3964/AC-5, Dated: 06.03.2025 Subject: Registration of FIR regarding drug racket being run from Central Jail, Hoshiarpur Memo: Please refer to the subject mentioned above. 2. Enclosed with this letter is Letter No. 1236/Inv-2, dated 05.03.2025, received from the Director, Bureau of Investigation, Punjab, Chandigarh, in original (Page No. 01), along with: Report No. GI/S-4/1692, dated 04.03.2025 (Page No. 02 to 04) Report No. GI/S-4/1694, dated 04.03.2025 (Page No. 05 to 07). These reports were received from the office of the Additional Director General of Police, Prisons, Punjab, in original, along with a noting sheet (Page No. 01 to Page No. 02) from this office in original. The direction is given to register an FIR against all accused mentioned in the report of

ADGP, Prisons, Punjab under Sections 21, 22, 29, and 59(2) of the NDPS Act, as directed by the Additional Director General of Police, ANTF, Punjab, at noting page No. 02. 3. Further, a Special Investigation Team (SIT) is hereby constituted to investigate the case, comprising the following officers: Sh. Akashdeep Singh Aulakh, PPS, SP/ANTF, Rupnagar Range Sh. Harwinder Pal Singh, PPS, DSP, ANTF, Punjab SI Ram Darshan, SHO, PS, ANTF, SAS Nagar, SI/LR Litesh Rai, No. 2831/PAP Sd/-Navneet Kumar (DSP/Enforcement) For Special Director General of Police, VIKRAM SINGH 2025 Anti Narcotics Task Force, Punjab ORIGINAL PHHC.CHANDIGARH The aforementioned letter was received at the police station and reviewed. It mentions that Letter No. 1236/Inv-2, dated 05-03-2025, was addressed to the Special Director General of Police, Anti-Narcotics Task Force, Punjab, by the Director, Bureau of Investigation, Punjab, Chandigarh. The subject of the letter is: "Request for Investigation into the Drug Racket Being Run from Central Jail, Hoshiarpur." And the Additional Director General of Police, Prisons, Punjab, Chandigarh, has provided a report on the matter. "IS-4/1692 dated 04-03-2025 is being sent to you for necessary action as per procedure. Original attached documents: Pages 1-3. Signed/- Sarabjit Singh, Director, Bureau of Investigation, Punjab, Chandigarh." Above this, a handwritten note by the Director, Bureau of Investigation, Punjab, Chandigarh states: Enclosed latter from ADGP prisons maybe perused action to be taken as per of Dr/BOI pursuant to approval by DGP Punjab for registration of criminal case under relevant

section of law in PS ANTF. 2. An SIT maybe constituted to investigate the case headed by DIG Rank Officer, that above letter No-IS-4/1692 DATED 04.03.2025 which sent to DGP Punjab by Additional Director General of Police, Prison, Punjab, "From Additional Director General of Police, Prison, Punjab, Chandigarh. To Director General of Police, Punjab, No. G1/S-4/1692 Dated 04-03-2025, Sub: Request for investigation into drug racket being run from Central Jail Hoshiarpur. Please refer to subject cited above.2. It is submitted that Superintendent Central Jail Hoshiarpur had written a letter to SHO, PS City Hoshiarpur vide letter dated 25.02.2025 for registration of FIR against some prisoners for getting involved in the fight that took place on 25.02.2025, wherein FIR No. 52/2025 has been lodged u/s 190 and 221 of BNSS 2023 in PS City Hoshiarpur. 3. In this regard, a secret enquiry was got conducted through Research, Analysis and Intelligence Wing of Punjab Prisons. As per the enquiry report, the following facts have emerged: (i) On 25.02.2025, at around 3:00 pm, 2 High Risk Prisoners (Jarmanjit Singh s/o Sh. Paramjit Singh, r/o Chamba Khurd, PS Chohla Sahib, Tam Taran and Nirmal @ Nimma s/o Sh. Pal Singh, r/o Vill. Munda PS Sri Goindwal Sahib, Tam Taran) lodged in High Security Zone of the jail came to chakkar area and had a fight with ordinary prisoners namely Gurwinder @ Govinda s/o Sh. Jarnail Singh and Jivtesh Sethi s/o Sh. Iqbal Singh. (ii) Sources revealed that the fight was a result of dispute regarding drug money to the tune of Rs 1.50 lac approx. which was being used to PHHC buying/selling drugs smuggled

illegally into Central Jail Hoshiarpur. These prisoners in connivance with some officers/officials and other prisoners of the jail have been running a drug racket in Central Jail Hoshiarpur. (i) In the follow up, search of High Security Zone was conducted and 01 mobile phone was recovered from another High Risk Prisoner Sukhwinder @ Sukha (associate of High Risk Prisoner Jarmanjit Singh). FIR No. 49/2025 in PS City Hoshiarpur u/s 52A Prisons Act 1894 has been lodged in this regard. (ii) While delving deep into this matter, another similar matter came into light, which was later confirmed by Addl. Supdt. CJ Hoshiarpur also. (a) Following prisoners have been running a drug smuggling racket inside Central Jail Hoshiarpur-1) Prisoner Sikander s/o Sh. Rulda Ram 2) Prisoner Michael (b) It was further informed that these prisoners are suspected to be running the drug racket in connivance with prison officials. Names of these officials are as below-1) Head Warder Sundar Singh 2) Warder Bagga Bhagat 3) Warder Keshav Bawa 4) VC Operator Nirvir Singh (c) Subsequently, jail officers conducted search of Sundar @ Michael, who is a close associate of prisoner Sikandar Singh, and recovered 01 mobile phone. FIR No. 55/2025 in PS City Hoshiarpur u/s 52A Prisons Act 1894 has been lodged in this regard. Both Michael and Sikandar are involved in illegal activities, suspected to be in connivance with VC Operator Nirvir Singh and other staff members, namely Head Warder Sundar Singh, Warder Bagga Bhagat and Warder Keshav Bawa. (d) Further enquiring into this matter through sources have revealed that prisoner Sikandar

Singh used to work in the office of Sh. Baljit Singh, Superintendent, Central Jail Hoshiarpur. He used to take care of all the secret work of Superintendent, Central Jail Hoshiarpur. (e) Warder Bagga Bhagat is deployed at Petrol Pump of jail, where all the illegally procured money is managed and distributed. (1) Pertinently, all these officials are very close to Sh. Baljit Singh, Superintendent, C.J Hoshiarpur, and it is learnt that VC Operator Nirvir Singh even accompanies Superintendent, CJ Hoshiarpur inside the jail, and assists him in the official work regarding management of prisoners, which is out of the ambit of his duties. (g) The prisoners (including include High Risk Prisoners lodged in High Security Zones) have been speaking with each other through mobile phones and running smuggling networks from inside the prison, in connivance of other officials, which cannot be possible without the involvement of Sh. Baljit Singh, Superintendent Central Jail Hoshiarpur. 4. In view of above, it is requested that an FIR under relevant sections of BNSS and NDPS Act may be lodged in this matter against all the 2025.04.04 12:03 TRUE SCANNED COPY OF THE ORIGIN PHHC officers/officials as well as prisoners mentioned above. It is further requested that ANTF may be asked to take over the investigation from the local police and the matter may be investigated thoroughly to unearth the racket and take strict legal action against all accused. 5. It is further requested that this office may also be informed about the status of the investigation on regular basis, and details of involvement of prison officials, so that suitable departmental action may be taken accordingly,

please. 6. This is issued with the approval of competent authority. Sd/- (Roop Kumar Arora) (G. Prisons For: Additional Director General of Police, Prisons, Punjab, Chandigarh, Memo No. 2033/PS/DGP/Pb. Dated 05-03-2025. A request was raised regarding corruption in the Bureau of Investigation (BOI) and forwarded for review. Based on the findings, the DGP/ANTF has directed that an FIR be registered at Police Station ANTF, Punjab, under appropriate sections of law. Sd/- Director, Bureau of Investigation, Punjab, Chandigarh The above investigation report was then forwarded by DGP/ANTF/PB for further review by ADGP/ANTF/PB. And ADGP/ANTF/PB forwarded the file along with all relevant documents to ADA/ANTF, Mohali, for obtaining a legal opinion. As per Legal Opinion (Memo No. 09/M/ADA/ANTF, dated 06-03-2025): Based on the allegations, Sections 21, 22, 29, and 59(2) of the NDPS Act are applicable at this stage. Addition or deletion of offenses/accused persons may be made depending on the evidence gathered during the investigation. Sd/- ADA/ANTF, Mohali Following this, ADGP/ANTF/PB has directed the SHO/PS/ANTF to register an FIR against all accused mentioned in the report under the relevant sections. As mentioned in the ADA opinion, upon receiving the formal complaint, a case was registered under the mentioned offenses against the following individuals: 1. Sh. Baljit Singh, Superintendent, Central Jail, Hoshiarpur 2. Prisoner Sikander, S/o Sh. Rulda Ram 3. Prisoner Michael 4. Head Warder Sunder Singh 5. Warder Bagga Bhagat 6. Warder Keshav Bawa 7. VC Operator Nirvir Singh The

case has been entered into the register, and further proceedings are underway for its completion. Copies of the FIR and case file, along with the original complaint, are being sent to the SIT by post. Additionally, copies of the FIR are being dispatched via post as a report to the Hon'ble Area Magistrate and senior officers for their information. The Control Room has been informed over the phone, and the MHC (Munshi Head Constable) of the police station has been instructed to update the records accordingly”.

4. Learned counsel appearing on behalf of Bagga Bhagat (petitioner In CRM M-29969-2025) submits that the FIR in the present case has been registered on the basis of some secret inquiry conducted by the concerned authorities after a violent fight broke out within the premises, Central Jail, Hoshiarpur between certain persons. In fact, the fight had allegedly a result of dispute regarding the drug money, which was being used to buy/sell drugs smuggling illegally inside the Central Jail, Hoshiarpur. During search operations, even a mobile phone was recovered from high risk prisoners Sukhwinder Singh @ Sukha, who was linked to Jarmanjit Singh, prisoner, one of the accused of the fight. Another mobile was found with Sunder Michael, an associate of Sikander Singh. It was alleged that both the petitioners, who are jail officials alongwith their superintendent (prisons) were also involved with hard core prisoners for smuggling inside the central jail. Learned counsel further submits that the allegations against the petitioner and his co-accused were apparently

false. The petitioner had remained posted with various dignitaries in the past and had unblemished service record. He was part of the special force and had performed his duty as a NSG Community till 2012 and was part of the security team of several prominent leaders of this country. After retirement from CISF, he had joined the Central Jail, Hoshiarpur as a warder and was performing his duties honestly. Even, he was on duty at the petrol pump of the jail and there are no suspicious call details with the petitioner involving him in the crime. Apart from that, no suspicious bank transactions were found and he has been wrongly arrayed as accused in the present case. Even, he never went inside the jail as he was performing his official duties at the petrol pump of the jail.

5. Learned counsel appearing on behalf of Narvir Singh (petitioner in CRM M-18720-2025) has vehemently argued that the petitioner falsely involved on the basis of a secret inquiry, which was conducted without even granting an opportunity of hearing to the petitioner. Even during the course of inquiry, no incriminating evidence could be collected against the petitioner and he deserves to be enlarged on anticipatory bail by this Court.

6. On the other hand, a status report had been filed by way of an affidavit of the Superintendent of Police, District SAS Nagar and the same was taken on record.

7. Learned State counsel has referred to paragraphs 4 to 8 of the status report to highlight the role of both the petitioners, which have been reproduced below:-

“4. That the facts leading up to the registration of the present FIR are that ADGP Prisons Punjab sent his report dated 04.03.2025 endorsed with No. GI/S-4/1692 to DGP Punjab while requesting investigation into the drug racket being run from Central Jail Hoshiarpur. The said report was then forwarded by Director Bureau of Investigation, Punjab after approval by DGP Punjab to Special Director General of Police, Anti Narcotics Task Force, Punjab for registration of FIR vide letter No.1236/INV-2 dated 05.03.2025. The said letter was received in the office of Additional Director General of Police, Anti Narcotics Task Force, who sought legal opinion regarding the Sections of law under which the present FIR could be registered on the basis of the said complaints. Thereupon, the present FIR was directed to be registered and Special Investigation Team was constituted to investigate the same, vide letter No.3964/AC-5 dated 06.03.2025 issued to the SHO P.S Anti Narcotics Task Force by the office of Special Director General of Police, ANTF. The Special Investigation Team comprises of the deponent, Harvinder Pal Singh, DSP, ANTF, SI/SHO Ram Darshan and SI/LR Litesh Rai.

5. That the brief facts as mentioned in the aforesaid report dated 04.03.2025 are that on 25.02.2025 at around 03.00 pm two high risk prisoners Jarmanjit Singh and Nirmal @ Nima were lodged in High Security Zone

of Central Jail Hoshiarpur with other prisoners namely Gurwinder Singh @ Govinda and Jivtesh Sethi.

Subsequently, the sources reveal that the fight was a result of dispute regarding drug money to the tune of approximately Rs.1.5 lacs, which was being used to buy/sell drugs smuggled illegally into Central Jail Hoshiarpur from the secret inquiry it was also found that prisoners in connivance with some Jail Officials and other prisoners have been running a drug racket in Central Jail Hoshiarpur. One mobile phone was recovered from high-risk prisoner Sukhwinder Singh @ Sukha, associate of accused Jarmanjit Singh. FIR No.49/2025 under Section 52-A of Prisons Act, 1894 was registered in this regard.

6. That when the authorities delved deep into the matter another similar matter came into light which was confirmed by the Additional Superintendent Central Jail, Hoshiarpur and it was found that prisoners Sikandar and Michael running a drug smuggling racket. It was further informed that these prisoners were running this racket in connivance with prison officials namely Head Warden Sundar Singh, Warder Bagga Bhagat, Warder Keshav Bawa and VC Operator Narvir Singh (present petitioner).

7. Subsequently, jail officials conducted search of Sundar alias Micheal who is close associate of prisoner Sikandar Singh and recovered 01 mobile phone. FIR No.55 dated 27.02.2025 under Section 52-A of Prisons Act, 1894 was registered in this regard at Police Station City Hoshiarpur. Both accused Michael and Sikandar have been involved in illegal activity, suspected to be in

connivance with the petitioner and other jail officials who have been named as accused in the present FIR. Further, inquiry also revealed that accused/prisoner Sikandar used to work in the office of co-accused Baljit Singh, Superintendent Central Jail, Hoshiarpur, Warder Bagga Bhagat is deployed at petrol pump of the jail, where all the illegally procured money is managed and distributed.

It was further revealed that all officials are close to co-accused Baljit Singh Superintendent and the petitioner even accompanied Superintendent inside the jail and assist him in the official work regarding the management of prisoners which was out of ambit of his duties.

8. That it was also found that the prisoners (including high risk prisoners lodged in the high security zone) have been speaking with each other through mobile phones and running smuggling network from inside the jail, in connivance with other officials which could not be possible without the involvement of accused Baljit Singh Superintendent”.

8. Learned State counsel has vehemently argued that Sikandar Singh, Jarmanjit Singh @ Nima, Jarmanjit Singh, Jatesh Sethi and Sukhwinder Singh @ Sukha, all prisoners/accused were formally arrested in the present case and the dope test of 4 of them were found to be positive. Thus, it is apparent that the drugs were being supplied inside the prisons to the hard core criminals. Apart from that, the financial investigation unit, ANTF is seeking complete financial investigation report of these officials and the report is yet to be received. Still further, the Lead Bank, Mohali, has been requested

to provide the detailed information regarding the financial transactions of these jail officials. Apart from that, the letters have been written to the competent authority to get the property details of jail officials, who were accused in the present case. Further, the accused in the present case have destroyed their SIM cards also and the mobile phones, which were seized from three prisoners have been sent to the FSL and the same shall be scrutinized in detail by the 'SIT'. Learned State counsel further submits that the custodial interrogation of the officials of the jail is required to ascertain the role played by each of the accused in smuggling the drugs inside the Central Jail, Hoshiarpur. Apart from that, the financial investigation unit has also to interrogate the petitioners and other co-accused to know the trail of money, which was accepted by the jail officials as bribe. Still further, the petitioners, who are jail officials were using their mobile phones to connect with outsiders and such connections will be unearthed by joining of the officials in the investigation. Still further, the custody of both the petitioners was imperative to establish further links of this drug nexus, prevailing in the Central Jail, Hoshiarpur.

9. I have heard learned counsel for the parties and perused the record.

10. I have heard the learned counsel for the petitioners at length and agrees with the findings recorded by the trial Court that there are serious allegations of running a drug racket inside the

Central jail by certain hardened criminals in collusion with the entire jail officials. During the process of investigation, it stands established that the jail staff, which includes both the petitioners, had provided the mobile phones to hardened criminals Michael and Sikandar, who were involved in illegal activities in connivance with Narvir Singh, VC operator. Apart from that, it is equally shocking to know that both the petitioners were acting as drug mafia, in collusion with hard core criminals, who were also confined in jail. Consequently, the grant of concession of anticipatory bail to both the petitioners would amount to denial fair assistance to the Investigating Agency to investigate the present case seriously and effectively. In the considered opinion of the Court, the custodial interrogation of the petitioners would be imperative and the present petitions deserve to be dismissed.

11. During the course of hearing, learned State counsel has highlighted the roles of Baljit Singh, Superintendent and other officials of Central Jail, Hoshiarpur, who had connived with certain high risk prisoners in the jail itself and the drugs were bought/sold inside the Central Jail, Hoshiarpur. It is equally shocking to note that the senior most jail officials were acting as drug mafia and it is the fittest case for invoking the extra ordinary jurisdiction of this Court under Section 528 of BNSS in the present case. Even, it has been brought to the notice of this Court that Baljit Singh, Jail Superintendent and several other senior officials of jail department are still at large and the police has not been able to arrest them to further

establish the links of this drug nexus, prevailing in Central Jail involving the high risk prisoners inside the jail. It is equally shocking to note that SIM cards/mobile phones were supplied to the hardened criminals by these jail officials themselves and they were acting as conspirators in the drug racket. The Court has also noticed that now an SIT has been formed by the State of Punjab, which is headed by the Superintendent of Police, Anti Narcotic Task force, Rupnagar and is being monitored by ADGP, Anti Narcotic Task force, Punjab. It is expected that SIT shall investigate the matter fairly and impartially.

12. Consequently, while dismissing both the bail petitions, the matter has been kept alive only for the limited purpose of monitoring the investigation in the present case.

13. A status report of investigation may be filed on or before the next date of hearing by way of an affidavit of the Superintendent of Police, ANTF, Rupnagar Range.

14. List on 21.07.2025.

28.05.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No