

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-16441-2015
Date of decision:19.05.2015

Gurmeet Ram @ Gurmeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.S.S.Gill, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks pre-arrest bail in FIR No.40 dated 19.3.2015 registered under Sections 15, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station, Patran, District Patiala.

Learned counsel for the petitioner submits that as per the FIR, petitioner was not available at the place of occurrence. His two co-accused namely Banta Ram son of Sohan Ram and Gurmeet Ram @ Buja son of Billu Ram were arrested. The petitioner is not even remotely connected with the offence in question. Once nothing was recovered from the petitioner, allegation against him is false, on the face of it. In support of his contentions, learned counsel for the petitioner places reliance on the following judgments of this Court in **CRM-M-10034-2013 (Deepu @ Deepak v. State of Haryana, decided on 27.8.2013, CRM-M-31174-2014 (Jiwa Singh v. State of Punjab), decided on 31.10.2014, CRM-M-11132-2014 (Kulwant Singh v. State of Punjab), decided on 14.5.2014** and in **CRM-M-42680-2014 (Jagdish Singh @ Babbu and another), decided on 20.1.2015**. He prays for allowing the present petition.

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that keeping in view the peculiar fact situation of the

instant case, present one has not been to be a fit case, wherein the petitioner can be said to be entitled for pre-arrest bail. It is so said because as per the FIR, petitioner has been said to be habitual of selling the poppy husk at large scale in District Patiala through his men including his above-said two co-accused. On the basis of same secret information having been received, the above-said two-accused of the petitioner were arrested and recovery was also effected from them.

So far as the above-said orders passed by this Court, relied upon by the learned counsel for the petitioner, are concerned, there is no dispute about the observations made therein. However, on close perusal of the cited orders passed by this Court in different cases, the same have been found distinguishable on facts and are of no help to the petitioner. Further, it is the settled principle of law that peculiar facts of each case are to be examined, considered and appreciated first, before applying any codified or judgemade law thereto. Sometimes, difference of one circumstance or additional fact can make the world of difference, as held by the Hon'ble Supreme Court in **Padmausundra Rao and another Vs. State of Tamil Nadu and others**, 2002 (3) SCC 533.

It is not even the argued case on behalf of the petitioner that his co-accused were not known to him. Once on the basis of same secret information, the above-said two co-accused of the petitioner have been arrested, custodial interrogation of the petitioner would be a compulsive necessity of the investigating agency to conduct an effective investigation.

Without commenting anything further, lest it should prejudice the rights of either of the parties, no case for anticipatory bail is made out.

Dismissed.

19.05.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE