

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

**CRM-M- 20779 of 2015
Date of Decision: 1.7.2015**

Jagseer Singh @ Jaggi

...Petitioner

Vs.

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Sukhraj Singh Brar, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No. 125 dated 18.5.2015 registered under Sections 15/16/61/85 of the NDPS Act, registered at Police Station Kalanwali, District Sirsa.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. He places reliance on a judgment of the Hon'ble Supreme Court in Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382, to contend that mere pendency of other cases against the petitioner would be no ground to disentitle the petitioner for concession of anticipatory bail. He prays for allowing the present petition.

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that since the petitioner is facing criminal trial in two more cases, including one under the NDPS Act, it is a matter of record that he is not a first offender. Recovery of

contraband has been effected from the residential premises of the petitioner. At the time of recovery, petitioner outsmarted the police officials and escaped from the spot. In such a situation, custodial interrogation of the petitioner would be a compulsive necessity of the investigating agency.

So far as the judgment relied upon by the learned counsel for the petitioner is concerned, there is no dispute about the law laid down therein. However, close perusal of the cited judgment would show that the same is of no help to the petitioner, being distinguishable on facts. 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.**

In view of the above and without commenting anything further on the merits of the case, lest it should prejudice the rights of either of the parties, this Court is of the considered view that custodial interrogation of the petitioner would be a compulsive necessity of the investigating agency, so as to conduct an effective investigation. No case for anticipatory bail is made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

1.7.2015
Ak Sharma