

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

**CRM-M-20886 of 2015 (O&M)
Date of Decision: 8.7.2015**

Jaswant Singh @ Jassa

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. J.S.Sandhu, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No. 143 dated 11.6.2015 under Sections 17/61/85 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 further submits that recovery of 500 gms of opium was effected from the son of the petitioner, who suffered a disclosure statement, whereby the petitioner was also named. He would next contend that such a disclosure statement would have no evidentiary value and cannot be read against the petitioner. In support of his contentions, learned counsel for the petitioner places reliance on the following judgments/orders of this Court:-

1. Sita Ram Vs. State of Punjab, 2000 (1) RCR (criminal) 779
2. Jabra Singh Vs. State of Punjab, 2002 (2) RCR (criminal) 626
3. Jarnail Singh Vs. State of Punjab, 2005 (3) RCR (criminal) 314
4. Hamid Hassan Vs. State of Haryana, 2013 (5) RCR (criminal) 848
5. Judge Singh Vs. State of Punjab, 2014 (4) Cri.CC 331
6. Order dated 29.7.2013 passed in CRM-M-19430 of 2013 (Vinod Kumar @ Pappu Vs. State of Punjab),
7. Order dated 27.8.2013 passed in CRM-M-37057 of 2012 (Mohinder Singh Vs. State of Punjab)
- 8 Order dated 25.2.2014 passed in CRM-M-6811 of 2014 (Amrik Singh alias Kala Vs. State of Punjab)

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 in the given fact situation of the present case, petitioner has not been found entitled for the concession of anticipatory bail. It is so said, because the allegations against the petitioners are direct and specific.

So far as the judgments relied upon by the learned counsel for the petitioner are concerned, there is no dispute about the law laid down therein. However, on a careful perusal of the cited judgments, the same have not been found of any help to the petitioner, being distinguishable on facts. 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. Further, 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 goes without saying that whatever incriminating material would be brought on record by the investigating agency, the same would be considered by the learned trial court, during the course of trial.

In view of the above and without commenting upon the merits of the case, at this stage, 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 the compulsive necessity of the investigating agency, so as to carry out an effective investigation. No case for anticipatory bail is made out.

Dismissed.

**(RAMESHWAR SINGH MALIK)
JUDGE**

8.7.2015
Ak Sharma