In the High Court of Punjab and Haryana at Chandigarh

CRM M-25647 of 2015

Date of Decision: August 05, 2015

Nanak Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

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

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Paramjeet Singh, J. (Oral)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 57, dated 03.06.2015, under Sections 21, 22, 25, 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Hathur, District Ludhiana.

Learned counsel for the petitioner contends that FIR in question has been lodged on the basis of a secret information. Nothing in pursuance of FIR has been recovered from the residence of the petitioner or anywhere else. Learned counsel further contends that there is news

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item (Annexure P/2) wherein it is mentioned that the petitioner was allegedly arrested and photograph in the news item is not the photograph of the petitioner. This is totally a false case. Learned counsel further contends that question of custodial interrogation does not arise when the petitioner has never been arrested.

I have considered the contentions raised by learned counsel for the petitioner and perused the record.

There are serious allegations in the FIR that petitioner along with others is indulging in trade of intoxicating products. Any news appearing in the newspaper cannot be treated as a gospel truth as it is not permissible in evidence. The petitioner has himself admitted that he has never been arrested, that is why he has filed an application under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail.

In the case of ***CBI vs. Anil Sharma, 1997(4) R.C.R. (Crl.) 268,*** Hon'ble Supreme Court has held that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 Cr.P.C. It is necessary that investigating agency must go to the root of the cause of the prevailing problem and also try to know who are the persons indulging in such cases. In view of above and keeping in view the prevailing situation in the State of Punjab, in such like cases, custodial

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interrogation is a necessity.

In view of this, no ground for grant of pre-arrest bail is made out.

Dismissed.

August 05, 2015 **[Paramjeet Singh]**
vkd Judge

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