

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

CRM-M-3430 of 2015

Date of decision: 09.03.2015

Gurinder Singh

....Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ranjan Lakhanpal, Advocate
for the petitioner.

Mr. Jaspreet Singh Sekhon, AAG, Punjab
for the respondent-State

Jaspal Singh, J.(Oral)

The instant petition has been preferred by Gurinder Singh under Section 438 Code of Criminal Procedure, feeling apprehension of his arrest in case FIR No.356 dated 02.11.2014 under Sections 399, 402, 489, 473, 419, 411 IPC and Sections 25, 54, 59 of Arms Act and Sections 15, 18, 21, 22, 29, 61 and 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'Act') registered at Police Station Tripuri, Patiala.

The instant case stands registered on the basis of secret information received by SI Gurnam Singh to the effect that the present petitioner along with Amrik Singh, Jagsir Singh, Sher

Singh @ Shera, Saravpreet Singh etc., while armed with deadly weapons committed dacoity and are also engaged in the sale of drugs etc. and also dealing in drugs and intoxicants. On the basis of the said information, the raid was conducted. Some of the accused were arrested, whereas the petitioner-Gurinder Singh is stated to have fled away from the place of occurrence, however, during the course of investigation, deadly weapons were recovered from a car of the arrested persons.

The contention of the learned counsel for the petitioner is that the petitioner was a police informer and was used as Black Cat by the Punjab Police for a considerable period. Later on, he got married and decided to lead a peaceful life but police kept on pressuring him to act as such. When he declined, he was involved in number of false cases and was even detained illegally and subjected to inhuman treatment. Even a writ petition was also preferred by him seeking direction to the police officers not to harass him or to compel him to act as a police informer. During the pendency of the said writ petition, Mr. Anil Kaushik, IPS, Inspector General of Police, Zone-1, Punjab, Patiala also filed his affidavit admitting that earlier the petitioner was working as a police informer but subsequently, he declined. Even the concerned SSPs were also directed to serve one week notice to the petitioner if he is at all required or is to be arrested in any case.

In the instant case, Gurinder Singh was neither arrested at the spot nor any incriminating article was recovered from him but despite that fact, the police is bent upon to arrest him which necessitated the filing of the present petition. He is ready to join the investigation and abide by all other terms and conditions in case, imposed by this Court, he is granted the concession of pre-arrest bail.

On the other hand, learned State counsel has resisted the application submitting that though, he was earlier acting as a police informer, but subsequently, he indulged in various incidents of dacoity and smuggling of narcotics. It was only due to the said reason, some criminal cases were registered against him. In the instant case, petitioner fled away from the spot and his custodial interrogation is necessary. He prayed for dismissal of application.

This Court has given deep consideration to aforesaid submissions made by learned counsel for the parties. It is an undisputed fact that petitioner was not arrested at the spot and stated to have been fled away when the raid was conducted whereas some of his cronies were arrested by the police at the spot. The mere fact that earlier the petitioner acted as a police informer or a Black Cat and subsequently, declined to continue as such does not ipso facto mean that he has been falsely involved in different criminal cases. In the case in hand FIR was registered on the

basis of secret information and his name figures in it. Though, he could not intercepted at the spot. Co-accused of the petitioner also suffered disclosure statement unfolding the role played by the present petitioner also. Moreover, affidavit furnished by Mr. Anil Kaushik, IPS relates back to May, 2002 whereas instant case was registered in first week of November, 2014. In such a situation, it cannot be said at this stage that a false case has been slapped upon him. Custodial interrogation of the petitioner is necessitated in the given circumstances which could also be helpful to the investigating agency to unearth the ramifications involved in this case. Further this Court is of the considered view that in the absence of custodial interrogation, the investigation of this case is likely to be stultified.

In view of the above-mentioned discussion, this Court does not find any merit in the instant petition. As such, the same is dismissed.

March 09, 2015
m. sharma

(JASPAL SINGH)
JUDGE