

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

**Criminal Misc. No. M-34668 of 2015
Date of Decision: 9.10.2015**

Gulab Singh

--Petitioner.

Vs.

State of Haryana

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No. 177 dated 5.9.2015 under Sections 22/61/85 of the NDPS Act, registered at Police Station Jakhal, District Fatehabad.

Learned counsel for the petitioner submits that petitioner was not named in the FIR. Petitioner has been falsely implicated at a later stage on the alleged disclosure statement made by the main accused namely Ram Singh. He also refers to two alleged disclosure statements suffered by Ram Singh to contend that the investigating agency was trying to falsely implicate the petitioner on one or the other unfounded ground. He further submits that Ram Singh-accused did not disclose the name of the petitioner in his first disclosure statement. Thereafter, he was forced to make second disclosure statement, thereby naming the petitioner, which cast serious doubt in the story putforth by the prosecution. He concluded by submitting that in such a situation, custodial interrogation of the petitioner would not be required. He prays for allowing the present petition.

AMIT KUMAR
2015.10.12 13:18
I attest to the accuracy and
authenticity of this document

Having heard the learned counsel for the parties, 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 recording of second disclosure statement or supplementary statement of Ram Singh, cannot be said to be barred by any provision of law. Nothing can be presumed in favour of the petitioner in this regard, at this stage, that he has been falsely implicated in the present case. Allegations against the petitioner are direct and serious. It is yet to be ascertained whether the quantity of alleged contraband would be commercial or non commercial.

In view of the above and without commenting anything further on the merits of the case, lest it should prejudice the rights 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 carry out an effective investigation.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

9.10.2015
AK Sharma