

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-42030-2015
Date of decision: 21.12.2015

Gurpreet Singh @ Soni

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.T.P.Singh, Advocate for the petitioner.
Mr. Daljeet Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks pre-arrest bail in FIR No.133 dated 8.11.2015 registered under Sections 21, 29, 61 and 85 of the NDPS Act at Police Station Bhawanigarh, District Sangrur.

Notice of motion was issued and interim protection was granted to the petitioner.

Learned counsel for the petitioner submits that in compliance of the order passed by this Court, petitioner has joined the investigation and is no more required for any further investigation. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Nirmal Singh, Police Station Bhawanigarh, submits that as per the call details and tower location, petitioner was very much available in his village itself. He further submits that petitioner was in constant touch with his other co-accused which shows his prima facie participation in the commission of offence. He prays for dismissal of the instant petition.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that the star argument raised on behalf of the petitioner taking the plea of alibi does not seem to be available to the petitioner any more. It is also a matter of record that petitioner has been found involved in two other cases under the NDPS Act itself. In such a situation, involvement of the petitioner in the present case cannot be ruled out, at this stage.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the case of either side at a later point of time, this Court is of the considered opinion that custodial interrogation of the petitioner would be the compulsive necessity of the investigating agency to carry out an effective investigation. No case for anticipatory bail is made out.

Dismissed.

21.12.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE