

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

CRM M-No.M-42273 of 2014

Date of decision:25.05.2015

Balla Singh @ Harcharan Singh

...Petitioner

Versus

State of Haryana

...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. A.S. Sullar, Advocate for the petitioner.
Mr. Ashish Yadav, Addl. A.G., Haryana.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks pre-arrest bail in FIR No.108 dated 14.4.2014 under Sections 15, 16, 61, 85 of N.D.P.S. Act, registered at Police Station City Dabwali, Distt. Sirsa.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He was not present at the time and place of occurrence. Placing reliance on the medical report at Annexure P-1 (colly), he submits that the petitioner was admitted in the Civil Hospital, Kotkapura in Distt. Faridkot in the State of Punjab, which was situated at a distance of more than 100 kms. from the place of occurrence. In this view of the matter, learned counsel for the petitioner prays for allowing the present petition.

On the other hand, learned counsel for the State submits that in compliance of the order dated 20.5.2015 passed by this court, it has been verified from the Civil Hospital, Kotkapura, Distt. Faridkot that the petitioner was not admitted in the hospital and he has placed before the court attested photocopy of the register containing Central Registration No.1801-1806. He further submits that there are numerous cuttings and over-writings on the serial numbers. Although, name of the petitioner was sought to be introduced at Sr.No.239 (a) but no C.R. Number could be allotted to the petitioner, because as a matter of fact, he was never admitted in that hospital during the relevant dates, as claimed by the petitioner. He further submits that since the petitioner has sought to set up a factually incorrect plea of alibi, which was not available to the petitioner, he is not entitled for the concession of anticipatory bail. He prays for dismissal of the petition.

Having heard learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, petitioner has not been found entitled for the concession of pre-arrest bail. It is so said because petitioner had earlier been convicted in five cases of similar nature. A bare reading of the attested photo copy of the relevant page of the register of the hospital would show that no CR No. has been allotted to the petitioner. Under these circumstances, possibility of fabrication of the hospital record cannot be ruled out at this stage, at the instance of the petitioner, only with a view to set up a plea of alibi.

Be that as it may and without commenting anything further in this regard, lest it should prejudice the rights of either of the parties, custodial interrogation of the petitioner would be the compulsive necessity

of the investigating agency, so as to conduct an effective investigation.

No case for anticipatory bail is made out.

Dismissed.

25.05.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE