

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

**CRM-M-43392 of 2015
Date of Decision: 22.12.2015**

Manish Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Mohinder Ahuja, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No. 144 dated 11.10.2015 under Section 61 of the Punjab Excise Act, 1941 and Section 22 of the NDPS Act registered at Police Station City Dhuri, District Sangrur.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. He refers to the order dated 8.12.2015 (Annexure P-3) passed by the learned Additional Sessions Judge, to contend that initially petitioner was granted the concession of interim anticipatory bail, however, later on, it was declined on the ground that petitioner did not cooperate with the investigating agency. He refers to the call details to contend that petitioner was not physically available at the time and place of the occurrence. He prays for allowing the present petition.

Having heard the learned counsel for the petitioner, after careful perusal of record of the case and giving thoughtful

consideration to the contentions raised, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, petitioner has not been found entitled for the concession of anticipatory bail. It is so said because there is a heavy recovery effected from the place of occurrence but the petitioner managed to escape. Further, after having been granted the concession of interim anticipatory bail by the learned Additional Sessions Judge, petitioner failed to cooperate with the investigating agency.

Learned counsel for the petitioner insisted today as well, that there was no other person involved and this was the reason that petitioner did not disclose the name of anybody else on the asking of the investigating agency. This shows that petitioner is still not ready to cooperate with the investigating agency.

In view of the above and without expressing any opinion on the merits of the case, lest it should prejudice the rights of either of the parties, at a later point of time, this Court is the considered view that in the given situation obtaining in the present case, custodial interrogation of the petitioner would be compulsive necessity of the investigating agency, so as to carry out an effective investigation.

In this view of the matter, no case for anticipatory bail has been made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

22.12.2015
Ak Sharma