

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M- 8214 of 2015
Date of decision: April 20 2015

Vikram Singh

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Jitender Dhanda, Advocate
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

Jaspal Singh, J.(Oral)

Instant petition has been preferred by Vikram Singh under Section 438 of the Code of Criminal Procedure (for brevity 'Code') seeking pre arrest bail in case FIR No. 422 dated November 11, 2014 under Sections 22, 27-A, 61, 85 of NDPS Act, registered at Police Station Sadar, Sirsa.

2. Shortly put the case of prosecution is that on November 11, 2014 a police party on the basis of some suspicion signalled a motorcycle to stop on which three young boys were riding. On seeing the police party, petitioner succeeded in running away from the spot whereas other two boys namely Suresh Kumar and Surmukh @ Sanam were intercepted at the spot. Search of motorcycle led to recovery of smack weighing 225 gms, which was lying underneath its seat. The name of petitioner did not figure in FIR. However, as per the case of prosecution his name and identity was disclosed by his co-accused Suresh Kumar and Surmukh @ Sanam.

3. It is an undisputed fact that petitioner was neither known to any of the members of police party nor he was intercepted at the spot and his name is alleged

to has been disclosed by his co-accused. It is a debatable question whether such a statement of co-accused can be taken into consideration qua petitioner. Recovery of smack has already been effected.

4. In the given circumstances, custodial interrogation of the petitioner is not required. Otherwise also, it would not be desirable to send the petitioner behind the bars just by way of punishment or harassment.

5. Accordingly, instant petition is allowed and petitioner is directed to join the investigation on April 27, 2015 at 11.00 AM. In the event of arrest of petitioner, he shall be released on interim bail to the satisfaction of the Investigating Officer. He shall join the investigation as and when required by the Investigating Officer. He shall also comply with the other conditions as envisaged under Section 438 (2) of the Code of Criminal Procedure.

April 20, 2015
sham

(JASPAL SINGH)
JUDGE