

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 207

Criminal Miscellaneous No.M-30488 of 2016 (O & M)

Date of Decision: *September 14, 2016*

Raj Kumar

..... PETITIONER

VERSUS

State of Punjab

..... RESPONDENT

. . .

CORAM: **HON'BLE MR. JUSTICE JASPAL Singh**

. . .

PRESENT: - Mr. Lakhwinder Singh Mann, Advocate, for the petitioner.

Mr. R.P.S. Sidhu, Assistant Advocate General, Punjab.

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Jaspal Singh, J

1. This is a petition preferred under Section 438 Cr.P.C., by petitioner – Raj Kumar, seeking pre arrest bail, apprehending his arrest in case FIR No.19 dated April 19, 2015 under Sections 81, 21, 22 of the Narcotics Drugs & Psychotropic Substances Act, 1985 (for short, ‘ 1985 Act’); 411, 414 IPC; 25 of Arms Act; Section 3 of Official Secrets Act, 1923 (for short, ‘1923 Act’); Sections 3, 34, 20 of the Passport Act, 1967 (for short, ‘1967 Act’); Section 14 of Foreigners Act, 1946 (for short, ‘1946 Act’); and Section 61 of Excise Act, 1914 (for short, ‘1914 Act’), registered at Police Station, Tibber, District Gurdaspur.

2. The contention of learned counsel for the petitioner is that

petitioner has been falsely implicated in this case. No specific allegation has

been levelled against the petitioner. Learned counsel further contends that while it is alleged in the FIR that petitioner alongwith his co-accused is in the business of supplying narcotics but no recovery of any narcotic drug/material or fire arm has been effected from the petitioner. However, at the time of arrest of his co-accused Dharmender @ Gobind, on April 22, 2016, only two boxes of illicit liquor were alleged to have been recovered from his possession. He further submits that petitioner is ready to join investigation and will abide by all the terms & conditions, in case he is granted the concession of pre-arrest bail.

While controverting the various submissions of learned counsel for the petitioner, learned State counsel has strongly stressed that petitioner smuggles narcotic drugs and illicit liquor. He also supplies secret information of Intelligence Agency of India to the Intelligence Agency of Pakistan which can shatter the peace and tranquility of the nation. Moreover, in case, he is granted the concession of pre-arrest bail, it would be a danger to the society and nation. He prayed for dismissal of the petition.

This court has given an anxious thought to the aforesaid rival submissions made by learned counsel for the parties and perused the record available, but does not find any substance in the submissions made by learned counsel for the petitioner.

As per the case of prosecution, petitioner alongwith his co-accused is involved in smuggling of intoxicant substances, liquor and other articles across the border. He is also indulging in providing secret information of Indian Intelligence to Pakistan. Dhamender @ Gobind, co-accused of petitioner has already been arrested on April 22, 2015 and two boxes of illicit liquor were recovered from his possession. A secret

quantity of contraband can be recovered from his possession. The allegations complained of against the petitioner are of serious in nature. In such circumstances, custodial interrogation of the petitioner is required to unearth all the ramifications involved in this case.

Taking into consideration the aforesaid aspects of the matter and keeping in view the seriousness and gravity of allegations, this court does not find any merit in the instant petition. As such, the same is dismissed.

September 14, 2016
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(Jaspal Singh)
Judge