

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-20086-2017

Date of decision: 11.08.2017

Harbans Singh @ Raju

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. MK Dhot, Advocate for the petitioner.

Mr. HS Grewal, Addl. A.G., Punjab.

RAMENDRA JAIN, J. (ORAL)

1. Through the instant petition under Section 438 Cr.P.C., the petitioner has prayed for grant of pre-arrest bail in case FIR No. 38 dated 22.04.2017 (Annexure P-1) registered under Section 15 of the NDPS Act at Police Station Lehra, District Sangrur.

2. On instructions from SI Sahib Singh, learned counsel for the State contends that though the petitioner has joined the investigation, but according to the statement of Gita Kaur wife of one Jagtar Singh, who is in jail, the petitioner had borrowed their vehicle and carried the contraband i.e. poppy husk weighing 270 Kgs. which falls within the definition of “commercial quantity” and, thus, custodial interrogation of the petitioner is necessary to investigate as to from where he had procured such a huge quantity of contraband.

3. Learned counsel for the petitioner contends that the petitioner was not apprehended at the spot and thus, no recovery was effected from

him. In support of his contentions, learned counsel has placed reliance upon

(i) Soni Singh @ Soni Vs. State of Punjab and another, 2016(3) Law Herald 2146 and (ii) Sukha Vs. State of Punjab, 2014 (40) RCR (Criminal) 98.

4. I have given my anxious consideration to the submissions made by learned counsel for the parties.

5. Considering the overall facts and circumstances of the case and the fact that 270 Kgs. of poppy husk was recovered from the vehicle bearing registration No. DL-1-YC-8436, which the petitioner allegedly borrowed from Gita Kaur, aforesaid, the petitioner is not entitled for grant of anticipatory bail, inasmuch as the contraband recovered from the petitioner falls within the definition of “commercial quantity” and custodial interrogation of the petitioner is necessary to investigate as to from where he has procured such a huge quantity of contraband.

6. Each case has its own peculiar facts and circumstances. No strait-jacket formula can be prescribed for universal application as has been held in Pravinbhai Kashirambhai Patel Vs. State of Gujarat and others, 2010(7) SCC 598. Therefore, no benefit, whatsoever of the judgments (supra) relied upon by learned counsel for the petitioner can be given.

7. In view of the above and keeping in view the fact that the drug trafficking in this Northern region of the country has increased manifolds in the recent past and, thus, such type of crime has to be dealt with severe hands, the instant petition stands dismissed.

August 11, 2017
rishu

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No