

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

CRM-M-29563-2017

Date of decision: 30.8.2017

Paramjit Singh @ Rinku

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.R.K. Handa, Advocate
for the petitioner.

Mr.K.S. Aulakh, DAG, Punjab.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner Paramjit Singh @ Rinku, an accused in FIR No.87 dated 21.7.2017 for offence under Section 22 NDPS Act, registered with Police Station Bullowal, District Hoshiapur.

Briefly stated, the facts of the case as per prosecution version are that on 21.7.2017, ASI Davinder Kumar along with other police officials travelling in a private vehicle was on duty in connection with patrolling and apprehension of bad elements. When the vehicle carrying the police party had reached Sapra T-point, then from Sham Chaurasi

side, a motorcycle having two riders was spotted coming. The police party tried to stop the motorcycle. A Sikh person driving the motorcycle tried to turn it back. The police party caught hold of that Sikh person whereas young man riding pillion on the motorcycle already known to ASI Davinder Kumar ran away. ASI Davinder Kumar called that young man by name of Paramjit Singh asking him to stop, then Paramjit Singh @ Rinku son of Mohinder Singh, resident of Bassi Puraani, Police Station Sadar, Husi turned backward, however he managed to escape. The person apprehended by the police party disclosed his name as Karnail Singh son of Darshan Singh, Caste Ramdasiya Sikh, resident of Sultan Wind Road, Namdev Colony, Amritsar, Police Station Sultan Wind, District Amritsar. Personal search of said accused was conducted as per rules which resulted in recovery of contraband wrapped in polythene of black colour from right pocket of the trouser, which said accused was wearing. It was weighing 55 gms. A sample was taken therefrom. The sample parcel and bulk parcels were sealed and those were taken into possession. Ruqa was sent to police station on the basis of which formal FIR was registered. The matter was investigated.

On registration of formal FIR, apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail but his such application was dismissed by the Court of learned Additional Sessions Judge, Hoshiarpur vide order dated 2.8.2017, as such he has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which has appeared through State counsel.

I have heard learned counsel for the parties besides going through the record and I find that there is no merit in the petition.

The petitioner is specifically named in the FIR and in fact, his name along with his father's name and residential address have been given. According to the prosecution case, he was earlier acquainted with the Investigating Officer. The very fact that he could manage to escape from the spot cannot help him in any way. The recovery of 55 gms. of intoxicant powder from his co-accused Karnail Singh is to be taken as in joint possession of both the accused since present petitioner is stated to be pillion riding the motorcycle being driven by Karnail Singh. On seeing the police party, Karnail Singh had tried to turn back the motorcycle. In the process, accused Paramjit Singh @ Rinku had fled from the spot. If he had not done anything wrong and was unaware of Karnail Singh possessing the contraband, then under normal circumstances, he would not have run away from the spot. His doing so goes to show his guilty intention. The drug trafficking is rising at an alarming rate in this region, especially in the State of Punjab, which has ruined the lives of young men and women. Drug peddlers for a small monetary consideration make the youth to use drugs for a small time excitement/kick. The drug peddlers have successfully destroyed the social fabric of our society and led youth to the wrongful path. Such type of persons need to be dealt with firmly and sternly and no sympathy can be shown to them lest that should prove to be counter productive and result in increase drug trafficking.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had

observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

30.8.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No