

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

CRM-M-30657-2017

Date of decision:- 5.12.2017

Rajneesh @ Raju

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.A.D.S. Jattana, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner - Rajneesh @ Raju, an accused in FIR No.138 dated 4.7.2017 for the offence under Section 21 of the NDPS Act, registered with Police Station Bass, Police District Hansi, District Hisar.

Briefly stated, the facts of the case as per prosecution version are that on 3.7.2017, a police party led by SI/SHO Vikram Joshan had intercepted a motorcycle near Garhi College. The motorcycle was being driven by Satish son of Jagdish, resident of village Sisai Bolan. His search was conducted as per rules, which resulted in recovery of 47 gms. of

smack contained in plastic pouch of black colour from right pocket of his pant. Usual proceedings were carried out. Said Satish was arrested in this case. Formal FIR was recorded. Accused Satish was interrogated, who disclosed that he had purchased the recovered smack from Raju son of Pala Ram of Sansi community, resident of Orang Nagar, District Bhiwani for a sum of Rs.20,000/-. In that way the present petitioner Rajneesh @ Raju was nominated in this case.

Apprehending his arrest, the accused – petitioner had approached the Court of Sessions for grant of pre-arrest bail. His such request was declined by learned Additional Sessions Judge, Hisar vide order dated 31.7.2017. Later on, he approached this Court for grant of that very concession.

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

The petitioner has filed the affidavit that he does not hold any passport.

I have heard learned counsel for the parties besides going through the record.

Though the petitioner was not arrested at the spot and no recovery has been effected from him but then his name has cropped up during interrogation of accused Satish being supplier of the contraband. Though statement of co-accused is not admissible during trial but as far as investigation is concerned, it can certainly be taken into consideration, if it provides lead as regards the matter to be investigated. Though during the time, the petitioner was granted interim bail by this Court, he is said to

have joined the investigation but as submitted by learned State counsel, he has not rendered full cooperation and has not disclosed as to from where he had been getting the contraband and to whom he had been supplying thereafter. The petitioner is shown to be involved in another criminal case bearing FIR No.679 dated 4.10.2010 for the offence under Section 379 IPC, registered with Police Station Jind City.

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.

5.12.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No