

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

CRM-M-32254 of 2017

Date of decision: 13.9.2017

Gurnam Singh @ Gama

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. B.S. Jaswal, Advocate
for the petitioner.

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

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioner – Gurnam Singh @ Gama, an accused in FIR No.68 dated 11.7.2017 for offence under Section 21 of NDPS Act, registered with Police Station Ghuman, District Gurdaspur.

Briefly stated, the prosecution story is that on 11.7.2017, a police party from Police Station Ghuman, Police District Batala led by SI Sardool Singh in a private vehicle was present at canal bridge Attepur in connection with search of suspicious persons and checking of suspicious vehicles; that a motorcycle was spotted coming from the side of village Pandori; that the police party signalled it to stop; that the motorcycle did

stop, however, the person driving it tried to throw polythene bag in canal after taking out from right pocket of his pant. The complainant with the help of co-employees apprehended him and on being inquired, he disclosed his name as Rajbalwinder Singh alias Vipan son of Satnam Singh, Caste Majbi, resident of Bhagtupur, Police Station Ghuman. When hand bag of such accused was searched, it was found to contain heroin. On being weighed, it came to 10 gms.. It was put in a polythene bag, then in a plastic container which was sealed. Necessary documents were prepared. Accused Rajbalwinder Singh was interrogated, during the course of which he stated that he had purchased 10 gms. heroin from Gurnam Singh @ Gama son of Tara Chand, resident of village Udhanwal, Police Station Ghuman and that after purchasing contraband from him, he had been selling that of on profit.

Apprehending his arrest in this case, petitioner - accused had approached the Court of Sessions seeking grant of pre-arrest bail but his such application was dismissed by the Court learned Additional Sessions Judge, Gurdaspur vide order dated 23.8.2017. As such, he has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which is being represented by State counsel.

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

Learned counsel for the petitioner has contended that neither the name of the petitioner is mentioned in the FIR nor he was apprehended at the spot or for that matter no recovery had been effected

from him, as such he is entitled to pre-arrest bail. Whereas learned State counsel has opposed the request vehemently.

After hearing the rival contentions, I find that custodial interrogation of the petitioner is necessary to find out from where he had been procuring the contraband and who were his customers purchasing contraband from him. 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 keeping in view the gravity of offence, observing that custodial interrogation of petitioner is necessary, the petitioner is not found entitled to grant of pre-arrest bail. Therefore, the petition so moved in that regard fails and is dismissed accordingly.

13.9.2017
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No