

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

CRM-M-32255-2017

Date of decision:- 14.9.2017

Raju Kumar @ Raju

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.O.P.Kamboj, 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 – Raju Kumar @ Raju, an accused in FIR No.110 dated 30.5.2017 for the offences under Sections 22/25/27-A/28/29 and 30 of NDPS Act, registered with Police Station Meharban Ludhiana, District Ludhiana.

Briefly stated, the facts of the case as per prosecution version are that on 30.5.2017, a police party from Police Station Meharban Ludhiana headed by SI Jaspal Singh in official vehicle had laid a picket at village Khawaja Chowk, Raho Road, Ludhiana so as to nab drug

smugglers and ante-social persons. There SI Jaspal Singh received a secret information that Gurmail Singh @ Geja son of Karnail Singh, Ex.Sarpanch of village Ruhela, Police Station Mamdot, Ferozepur, Partap Singh @ Titu son of Joginder Singh, resident of Bhabba Haji near Gurudwara Sahib, Police Station Mamdot, District Ferozepur aged about 27/28 years, Raj Kumar @ Raju son of Munsha Singh, resident of village Hathewala Hithar, Balwinder Singh @ Ladi from village Ruhela, Gulzar Singh son of Labh Singh, resident of village Bhabba Haji (Burji), Police Station Mamdot, District Ferozepur along with his companion Gajtar Singh, resident of Amritsar, whose address is known to Gulzar Singh and who is keeping sim cards of Pakistan for talking to drug smugglers across the border; that they got heavy consignment of heroin from across the border, then the same is supplied in the State; that money is sent to drug smugglers across the border through brokers; that such persons along with their companions supply heroin in Swift Car No.PB-05-AB-6510 white in colour to different cities, towns and villages in Punjab earning huge profits which they distribute among themselves and that they have purchased several properties, vehicles with the drug money, ruins the lives of the young persons of the State. Information being authentic one, ruqa was sent to the police station, on the basis of which formal FIR was registered. Thereafter, 5 kgs. of heroin was recovered and vehicle bearing registration No.PB-05-AB-6510 was seized.

Apprehending his arrest in this case, accused Raju Kumar @ Raju had approached the Court of Sessions filing application for pre-arrest bail. His such request was declined by learned Judge, Special Court,

Ludhiana vide order dated 2.8.2017, as such, 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.

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

Learned counsel for the petitioner has submitted that no recovery has been effected from the petitioner and he has been wrongly involved in this case, therefore, pre-arrest bail be granted to him, whereas learned State counsel has opposed the request tooth and nail stating that the petitioner is a big smuggler of drugs and his custodial interrogation is necessary.

After hearing the rival contentions, I find that allegations against the petitioner are very serious of being part of a gang of smugglers getting the drugs from across the border from Pakistan, remitting money there and then distributing the drugs in various parts of the State playing with lives of the youth of Punjab. The drug addiction in the State is rising at alarming proportions and the drug menace needs to be dealt with a heavy hand. The persons ruining the lives of youth of Punjab needs to be dealt with sternly and no leniency can be shown to them.

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.

14.9.2017

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(H.S.MADAAN)**JUDGE****Whether reasoned/speaking : Yes/No****Whether reportable : Yes/No**