

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

CRM-M-35551-2017

Date of decision:-9.10.2017

Sukhwinder Singh @ Bikar Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr.Kirat Singh Sidhu, DAG, Punjab.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioner Sukhwinder Singh @ Bikar Singh, an accused in FIR No.173 dated 21.7.2017 for offence under Section 18 of the NDPS Act, registered with Police Station Patran, District Patiala.

Briefly stated, the facts of the case as per prosecution story are that on 21.7.2017, a police party from Police Station Patran headed by SI Lakhwinder Singh travelling in a government vehicle was present at

Nial Bye-pass, Patiala Road, Patran in connection with picketing and checking of suspected persons; that a secret information was received by SI Lakhwinder Singh that Jagjeet Singh @ Jeet son of Sukhdev Singh of Jatt community, resident of Maniana, Police Station Khanori, District Sangrur and Sukhwinder Singh @ Bikar son of Darbara Singh, resident of Todarpur, Police Station Sadar, Samana, District Patiala (present petitioner) were engaged in drug trafficking in the form of selling opium and they had brought opium on motorcycle bearing registration No.PB-64A-2644 make XCD-135 and were standing at bus stand of village Burar waiting for customers; that the police party accordingly conducted a raid there; that a bearded person with hair cut of young age was found to be sitting on motorcycle bearing No.PB-64A-2644 make XCD-135, whereas one turbaned person was standing; that they were talking with each other; that on observing the police party, the person sitting on the motorcycle started the motorcycle and ran away towards village Burar, whereas the turbaned person was apprehended by the police party and on being inquired, he disclosed his name as Jagjeet Singh @ Jeet son of Sukhdev Singh, resident of village Maniana, Police Station Khanori, District Sangrur, whereas identity of the person, who had managed to run away was found to be Sukhwinder Singh @ Bikkar Singh son of Darbara Singh, resident of Todarpur, Police Station Sadar Samana, District Patiala (present petitioner) and that personal search of Jagjeet Singh was conducted which resulted in recovery of 1 kg of opium. Necessary proceedings were carried out.

Apprehending his arrest in this case, Sukhwinder Singh @

Bikar Singh accused had approached the Court of Sessions seeking grant of pre-arrest bail but his such application was dismissed by the Court learned Judge, Special Court, Patiala vide order dated 16.8..2017. As such he has approached this Court asking for similar relief.

Notice of the petition was given to the respondent – State and counsel representing the State has appeared.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record and I find that there is absolutely no merit in the petition. The petitioner is specifically named in the FIR. His father's name and residential address and salient identification features have been given. Merely because he had managed to run away from the spot along with the motorcycle cannot result in grant of any concession to him, rather it goes to show that he had a guilty intention otherwise on seeing the police party, there was no reason for him to run away from the spot on the motorcycle. The very fact that petitioner and his co-accused Jagjeet Singh @ Jeet were present together near the motorcycle, talking with each other with Jagjeet Singh @ Jeet holding a polythene bag with opium being carried therein goes to show that petitioner had knowledge about the contraband and possession of the same by Jagjeet Singh @ Jeet is to be taken as for himself and on behalf of the present petitioner, that means present petitioner was having joint possession of the contraband along with Jagjeet Singh @ Jeet. His custodial interrogation is necessary for complete and effective investigation so as to find out the source and origin of the recovered opium. 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. Furthermore, pre arrest bail is not meant to help the criminals in avoiding custodial interrogation.

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

9.10.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No