

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

CRM-M-11136-2018

Date of decision:-3.4.2018

Jaspal Singh @ Pala

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.R.S. Dadwal, Advocate
for the petitioner.

Mr.Ramandeep S.Sandhu, Sr.D.A.G., Punjab

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Jaspal Singh @ Pala, an accused in FIR No.14 dated 15.1.2018, under Sections 22 of NDPS Act and 61 of Punjab Excise Act, registered at Police Station Sadar, Raikot, District Ludhiana (Rural).

Briefly stated, the facts of the case as per prosecution story are that on 15.1.2018 at about 5:00 p.m., a police party from the Police Station Sadar, Raikot headed by ASI Jasveer Singh received a secret information that Jaspal Singh @ Pala son of Maghar Singh, resident of village Kalsan had kept huge quantity of countrymade and English liquor

and intoxicant powder in a room of his outhouse and if a raid was conducted the recovery could be effected. ASI Jasveer Singh accordingly sent ruqa to the police station and the police party proceeded to the house of accused Jaspal Singh alias Pala. A raid was conducted. Intoxicant powder weighing 250 gms. and whisky bottles of various makes were seized, which were taken into police possession.

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 by filing an application, however, his such request was declined by learned Additional Sessions Judge, Ludhiana vide order dated 15.2.2018. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

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

The allegations against the present petitioner are very serious and grave of storing liquor and intoxicant powder in his house obviously for the purpose of supplying the same to the customers, in that way playing with the lives of innocent persons by making them drug addicts/alcoholics. Though the petitioner was not arrested at the spot but then he is specifically named in the FIR and recovery had been effected from his house. He is stated to be involved in another FIR No.106 dated 30.6.2017 under Section 61 of Punjab Excise Act, 1914, Police Station Raikot prior to the FIR in question.

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 to find as to from where he has been procuring the bottles of whisky and contraband and to which persons he has been supplying. 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.

3.4.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No