

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

CRM-M-15378-2018

Date of decision:-30.4.2018

Pardeep Kumar

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.J.K. Goel, Advocate
for the petitioner.

Mr.Ramandeep 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 – Pardeep Kumar, an accused in FIR No.218 dated 5.8.2017, under Section 21/22/61 and 85 of NDPS Act and Section 25 of Arms Act, registered at Police Station Samrala, District Ludhiana.

Briefly stated, the prosecution story is that on 5.8.2017, a police party from Police Station Samrala, Ludhiana headed by Inspector Ajitpal Singh was present at Slaudi Khuhiwala, Samrala, where Inspector Ajitpal Singh received a secret information that Gagandeep @ Guni @ Babu Ram and Mohd. Irfan son of Mohd. Yakub besides Pardeep Kumar sonof Mam Raj (present petitioner) were engaged in selling intoxicating material and on that day Gagandeep @ Guni @ Babu Ram and Mohd. Irfan in Swift car bearing registration No.PB-50-5249 and Pardeep Kumar

in white Swift car bearing registration No.HR-30-M-8337 were coming from Khamano side. Accordingly a ruqa was sent to police station and formal FIR was got registered. *NAKA* was laid. Gagandeep @ Guni @ Babu Ram and Mohd. Irfan were arrested and from the former 270 gms. and from the latter 255 gms. of heroin was recovered, whereas accused Pardeep Kumar (present petitioner) travelling in a car bearing registration No.HR-30-M-8337 managed to escape. The house of the petitioner/accused was raided several times but he could not be arrested and proceedings for declaring him as proclaimed offender are pending.

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 Judge, Special Court, Ludhiana vide order dated 3.4.2018. 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 and I do not find any merit in the present petition.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation. The petitioner/accused is specifically named in the FIR. After registration of the FIR, he has been on run and as stated, proceedings for getting him declared as proclaimed offender are pending.

As per information supplied by learned State counsel, the

petitioner/accused is involved in sixteen other criminal cases, which means that he has got a criminal past.

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.

30.4.2018

Brij

Whether reasoned/speaking

: **Yes/No**

Whether reportable

: **Yes/No**

(H.S.MADAAN)

JUDGE