

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 16018 of 2018 (O&M)

Date of decision : 7.5.2018

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Satpal Khera

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr.A.S. Gill, Advocate
for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General,
Punjab.

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H. S. Madaan, J.

This petition for grant of pre-arrest bail has been filed by petitioner Satpal Khera, an accused in FIR No. 236 dated 29.11.2017 for an offence under Section 20 of NDPS Act, registered at Police Station Jamalpur, Ludhiana.

Briefly stated, the facts of the case, as per the prosecution story are that on 29.11.2017, the Police Party from Police Station Jamalpur, was present near triangular park, Bhamiya Road, Jamalpur, where Incharge of the Police Party received a secret information that Harbhajan Singh s/o Sardool Singh r/o H.No. 1202, Backside of Gurudwara Sahib Bhagwanti, Near Sandhu Factory, Sardar Nagar, P.S. Salem Tabri, Ludhiana and Satpal Khera s/o Hans

Raj Khera, r/o H.No. 1304, Mohalla Sardar Nagar, Salem Tabri, Ludhiana, in connivance with each other were engaged in illegal trade of selling charas since long. On 29.11.2017, the secret informant had over heard Harbhajan Singh and Satpal Khera talking with each other that they were going to deliver a consignment of charas near Electricity House on the backside of Tajpur Jail Road. The secret informant said that if a raid was conducted, Harbhajan Singh and Satpal Khera could be caught red handed with huge quantity of charas. Ruqa was sent to the Police Station and formal FIR was registered.

Apprehending his arrest, Satpal Khera had approached the Court of Sessions, for grant of pre-arrest bail, which was assigned to the Court of Judge Special Court, Ludhiana, who vide order dated 16.12.2017 dismissed the petition. As such the petitioner has approached this Court for the grant of similar relief, which is being opposed by the State counsel.

I have heard, learned counsel for the petitioner, learned State counsel, besides going through the record.

The allegations against the petitioner are very serious of being a drug peddler. His custodial interrogation is necessary to find out as to from where he has been buying the contraband and to which persons he has been supplying the same.

Pre-arrest bail is a discretionary relief, which is to be granted in very rare cases to avoid harassment and inconvenience to the innocent persons and not in routine to screen the culprits from custodial interrogation.

In the 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 information. The custodial interrogation of the petitioner is necessary for complete and effective investigation of the case. 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.

Finding no merit in the petition, the same stands dismissed.

7.5.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No