

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

CRM-M-19774-2018

Date of decision:-25.5.2018

Mohit Singla @ Mani

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.P.S. Sekhon, Advocate
for the petitioner.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Mohit Singla @ Mani, an accused in FIR No.51 dated 27.3.2018, under Sections 22 and 29 of NDPS Act, registered at Police Station Dirba, District Sangrur.

Briefly stated, the prosecution story is that on 27.3.2018, a police party from Police Station Dirba, District Sangrur had apprehended accused Birbal Khan and recovered 450 tablets of ALPRAZOLAM from his possession. He was interrogated, during the course of which, he disclosed that he had procured the said tablets from Mohit Singla @ Mani.

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, Sangrur vide order dated 4.4.2018. 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.

Learned counsel for the petitioner has contended that the recovery involved amounts to non-commercial quantity; that name of the petitioner cropped up in disclosure statement of co-accused; that father of the petitioner is running a medical hall and a false recovery has been planted upon the petitioner regarding which father of petitioner has submitted a representation to Senior Superintendent of Police, Sangrur for conducting inquiry in the matter.

On the other hand, learned State counsel has countered the arguments while submitting that custodial interrogation of petitioner is necessary.

After hearing the rival contentions of learned counsel for the parties, I find that since co-accused Birbal Khan while being apprehended and found in possession of 450 tablets of ALPRAZOLAM is said to have disclosed to the police that he had procured the same from the petitioner, the custodial interrogation of the latter i.e. present petitioner is required to find out as to from where he had procured those tablets and under what circumstances he had supplied the same to Birbal Khan and further to which other persons he had been supplying the contraband. 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. Merely because father of the petitioner has submitted a representation addressed to Senior Superintendent of Police, Sangrur for holding inquiry into the matter does not wash away his guilt. The disclosure statement of co-accused can certainly be taken into consideration in providing lead in investigation.

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.

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.

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

25.5.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No