

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

CRM-M-21278-2018

Date of decision:-31.5.2018

Ashok

...Petitioner

Versus

State of Haryana

...Respondent

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

Argued by: Mr. Virender Soni, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioner – Ashok, an accused in FIR No.1043 dated 24.11.2017, under Section 20 of NDPS Act, registered at Police Station Jhajjar, District Jhajjar.

Briefly stated, the facts of the case as per the prosecution story are that on 24.11.2017, a police party from Police Station Jhajjar led by ASI Anil Kumar was present at Kosli turning Jhajjar in connection with patrolling, where ASI Anil Kumar received a secret information that Sunil son of Rattan Singh and Mohit son of Om Parkash were indulging in drug trafficking and they were having large quantity of *GHANJA* to sell the same and they were bringing that contraband to Jhajjar from Rohtak

on motorcycle Hero Splendor and they can be apprehended. ASI Anil Kumar accordingly sent ruqa to police station and laid *NAKA* near Lawrence School. After some time motorcycle bearing No.HR-99(T) came there, which was being driven by Mohit with Sunil as a pillion rider. A bag was placed in between them. The bag was searched as per law. It was found to contain 18 kgs. of *GHANJA*. The contraband was taken into possession. Accused Sunil and Mohit were arrested and they both were interrogated. They suffered disclosure statement on 24.11.2017 in which they have not named the petitioner, however, in his disclosure statement made on 27.11.2017, accused Sunil had stated that he had brought the contraband from petitioner Ashok for a sum of Rs.1 lakh. As such the petitioner was nominated as an accused.

Apprehending his arrest in this case, the petitioner has approached the Court of Sessions for grant of pre-arrest bail but his such application was declined by learned Additional Sessions Judge, Jhajjar vide order dated 21.4.2018. Feeling aggrieved, he has approached this Court for grant of similar relief.

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

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 drug trafficking is rising at an alarming rate in this region, which has ruined the lives of young men and women. Drug peddlers for a small monetary consideration make the youth to use drugs

for a small time excitement/kick. The drug peddlers have successfully destroyed the social fabric of our society and led youth to the wrongful path. Such type of persons need to be dealt with firmly and sternly and no sympathy can be shown to them lest that should prove to be counter productive and result in increase drug trafficking. The petitioner has been named as supplier of the contraband by accused Sunil in his disclosure statement, which can certainly be taken into consideration for providing lead in the investigation.

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 out as to from where he has been procuring the contraband and to which persons he has been supplying the same i.e. to find out the network of supply of the contraband etc. 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.

31.5.2018

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No

(H.S.MADAAN)

JUDGE