

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

CRM-M-3063-2018
Date of decision:-8.2.2018

Gagandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Ashish Gupta, 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 – Gagandeep Singh, an accused in FIR No.262 dated 19.12.2017, under Section 22 of NDPS Act, registered with Police Station Baghapurana, District Moga.

Briefly stated, the prosecution story is that on 19.12.2017, when a police party from Police Station Baghapurana headed by ASI Gurmeet Singh while being on patrol duty travelling in a Government vehicle was present at Bridge of canal at Gill village, then ASI Gurmeet Singh received a secret information that Gagandeep Singh alias Khamba (present petitioner) son of Iqbal Singh of Jat Sikh community, resident of Near Power House, Baghapurana was in habit of selling narcotics and he was sitting on the bridge between the water-course and drain on the road

leading from village Mandhir Nawan to Baghapurana waiting for the customers, since on that day, he had brought narcotics from the adjoining area; that on receipt that information, ASI Gurmeet Singh sent ruqa to police station and police party proceeded towards the disclosed place and on reaching there, the accused ran away, however, 30 grams of powder was recovered.

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 Judge, Special Court, Moga vide order dated 10.1.2018. 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.

The drug trafficking is rising at an alarming rate in this region, especially in the State of Punjab, 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.

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 so as to find out the source from where he is getting the contraband and what was his modus operandi in bringing the contraband and then supplying it to various persons. 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.

8.2.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No