

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 48822 of 2017 (O&M)

Date of decision : 30.1.2018

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Vijay Kumar

.....Petitioner

vs.

State of Punjab

.....Respondent

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

Present: Mr. Arnav Sood, Advocate for the petitioner

Mr. Rakeshinder Singh Sidhu, Assistant Advocate General,
Punjab.

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H. S. Madaan, J.

This petition for pre-arrest bail has been filed by petitioner Vijay Kumar an accused in FIR No. 147 dated 5.12.2017 for offences under Section 52 of the Prisons Act, 1894 and Sections 20 and 22 of the NDPS Act, 1985, registered with Police Station City Hoshiarpur.

Briefly stated, facts of the case, as per prosecution story are that petitioner is working as sweeper in Central Jail, Hoshiarpur

and on 3.12.2017, while he was leaving with empty garbage cart from porch of the jail, on being searched by the Jail employees, one bundle of *Bidi* was found in the slippers of his right foot and a black colour polythene was found wrapped in the slippers of his left foot wherein 150 orange coloured tablets, small quantity of Hashish and one Airtel sim was recovered.

Apprehending his arrest, he had filed an application for pre-arrest bail before the Court of Sessions. However, the same was dismissed by Judge Special Court, Hoshiarpur, vide order dated 13.12.2017, as such he has knocked at the door of this Court craving for grant of similar relief. The request is however, being opposed by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record and I am of the view that no ground is made out to accept the petition.

The pre-arrest bail is a relief which is to be granted in exceptional circumstances and not in routine. While considering the case of the petitioner for grant of pre-arrest bail, the facts and circumstances of the case, including his conduct are to be taken in view. Here the petitioner while being employed in the jail as a sweeper, had tried to take drugs and bidis etc., inside the jail by concealing those in his slippers. If the jail inmates are provided such type of articles, that adversely affects the jail discipline, encouraging the inmates to violate the law and operate from jail using mobile phones etc.

The custodial interrogation of the petitioner is found to

be necessary for complete and effective investigation of the case and if the same is denied to the Investigation Agency, that would adversely effect the investigation, which is uncalled for.

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

(H.S. Madaan)
Judge

30.1.2018		
chugh	Whether speaking / reasoned	Yes / No
	Whether reportable	Yes / No