

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 6835 of 2018 (O&M)

Date of decision : 8.3.2018

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Sukhdev Singh @ Kala

.....Petitioner

vs.

State of Punjab

.....Respondent

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

Present: Mr. Kamal Narula, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Senior Deputy Advocate General,
Punjab.

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H. S. Madaan, J.

This petition for pre-arrest bail has been filed by petitioner Sukhdev Singh @ Kala, an accused in FIR No. 329 dated 9.11.2017, for an offence under Section 15 of the NDPS Act, registered at Police Station Sadar, Ferozepur, District Ferozepur.

Briefly stated, facts of the case, as per prosecution story are that on receipt of a secret information that Sukhdev Singh @ Kala, Hira Singh, Baljit Singh, Gurdev Singh were indulging in sale of poppy husk and if a raid was conducted at their houses/dhanies, poppy husk could be recovered in a large quantity. Formal FIR was

registered and a raid was accordingly conducted, resulting in recovery of 80 kgs of poppy husk from the house of Sukhdev Singh @ Kala (present petitioner), 200 kgs of poppy husk from the house of Hira Singh and 160 kgs of poppy husk each from the houses of Baljit Singh and Gurdev Singh.

Apprehending his arrest Sukhdev Singh @ Kala had approached the Court of Sessions for grant of pre-arrest bail. However his such request was declined by the Additional Sessions Judge, Ferozepur, vide order dated 16.1.2018, as such he has knocked at the door of this Court craving for grant of that very relief. However, learned State counsel is opposing such prayer vehemently.

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

The pre-arrest bail is a discretionary relief, which is to be granted by the Court very sparingly and not in routine. The pre-arrest bail is given to a person who appears to be innocent to avoid harassment and inconvenience to him and not to enable the criminals to avoid custodial interrogation. Admittedly, as observed in authority *State represented by the CBI vs. Anil Sharma, 1997 (4) RCR (Criminal) 268*, custodial interrogation is qualitatively more elicitation oriented 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.

As per the prosecution story, 80 kgs of poppy husk was recovered from the house of Sukhdev Singh @ Kala, although he was not arrested at the spot but the fact remains that the recovery had been

effected from his house in pursuance of the secret information received by the police that he has been indulging in the sale of poppy husk by bringing it from Rajasthan. The contraband recovered, amounts to commercial quantity.

Drug trafficking is eating into social fabric of the State, by making the youth to take drugs in the process damaging their health and ruining their lives. The drug peddlers are required to be dealt with sternly, so that the other potential criminals take a lesson from their fate and keep away from the path of crime.

The custodial interrogation of the petitioner is required for complete and effective investigation, so as to find out as to from where he had been bringing the poppy husk and to whom he had been supplying the same, as well as, the other person involved in the drug trafficking. If the custodial interrogation is denied to the Investigating Agency, that shall adversely effect the investigation, which is uncalled for.

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

8.3.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No