

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

CRM-M-8139-2018

Date of decision:- 12.3.2018

Joginder @ Chintu

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.S.S. Sahu, 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 the petitioner – Joginder @ Chintu, an accused in FIR No.33 dated 19.1.2018 for the offence under Sections 21(b) NDPS Act, registered with Police Station City, Fatehabad.

Briefly stated, the facts of the case as per prosecution version are that one Amarjit Singh was arrested and a recovery of contraband in the form of 75 gms. smack was effected on 19.1.2018, who on being asked disclosed that he had purchased the same from the present petitioner Joginder @ Chintu, in that way the petitioner was nominated.

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, Fatehabad vide order dated 15.2.2018. 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 petitioner is not named in the FIR and his name has cropped up during interrogation of co-accused Amarjit Singh, which is not admissible; that no recovery was effected or is to be effected from the accused, therefore, he be granted concession of pre-arrest bail.

On the other hand, learned State counsel opposed the request vehemently.

Pre-arrest bail is such a relief which is to be granted in exceptional circumstances and not in routine. Drug trafficking is spreading its tentacles in our society, in the process affecting the social fabric as the number of youngsters taking to drugs is increasing at an alarming rate and if such social evil is not taken seriously then that would have very bad repercussions. The contention of learned counsel for the petitioner that he is not named in the FIR does not get the guilt of the accused diluted since when arrested with contraband, Amarjit Singh had stated that he had purchased it from the present petitioner/accused. Such

disclosure statement of co-accused can certainly be taken into consideration for providing lead in investigation and even during trial it is admissible under Section 30 of the Indian Evidence Act.

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. 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.

12.3.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No