

CRM-M No.630 of 2019

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**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

CRM-M No.630 of 2019

Date of Decision: 16.01.2019

Radhey Shayam @ Bansi

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr.P.K.Ganga, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No. 419 dated 16.12.2018, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act' for short) registered at Police Station Rania, District Sirsa.

It is contended by learned counsel for the petitioner that neither his name is mentioned in the FIR nor any recovery has been effected from him but he has been implicated at the instance of disclosure statement made by co-accused namely Jagdish. It has also been contended that name of the petitioner is Radhey Shayam and not Bansi and as such he has been falsely implicated.

Heard the learned counsel for the petitioner and perused the paper book.

Perusal of the disclosure statement made by the co-accused Jagdish, at this stage fairly satisfies this Court that petitioner is involved in

the present case and recovery of 4950 tablets of Tramadol CAVILODO-100 SR was effected from the co-accused which were allegedly purchased by him from the petitioner.

At this stage, question to be decided is that as to whether pre-arrest bail is to be granted to the petitioner or not? Pre-arrest bail is a relief which is not to be granted just at the asking of an accused in routine manner in such like cases, but only in exceptional circumstances where petitioner satisfies the Court that denial of the same would defeat the ends of justice. Its purpose is not to save the accused from custodial interrogation which being more elicitation-oriented for extraction of the important information from mouth of an offender rather the same is necessary for proper and effective investigation. In case such custodial interrogation is denied to the investigating agency, that will leave many loose ends and loopholes, adversely affecting the administration of justice in view of the provisions of Section 37 of the NDPS Act.

In view of the above, custodial interrogation of the petitioner is required and no case for grant of pre-arrest bail is made out.

Even so far as the actual name of the petitioner i.e Radhey Shayam @ Bansi is concerned, that will be seen at the time of trial.

Petition is dismissed.

The above observations may not be construed as an expression of opinion on merits of the case.

16.01.2019

mamta

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>