

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

**CRM-M No.51204 of 2018 (O&M)
Date of Decision: 04.02.2019**

Manga Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Amandeep Singh Cheema, Advocate for the petitioner.

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure (*for short 'Cr.P.C.'*) for grant of concession of anticipatory bail to the petitioner in case FIR No.267 dated 28.09.2018 (**P-1**), under Sections 21/61/85 of the Narcotic Drugs and Psychotropic Substances Act (*for short 'NDPS Act'*), registered at Police Station Pinjore, District Panchkula.

At the time of hearing, additional reply by way of affidavit dated 31.01.2019 of Sh. Virender Kumar, Inspector/SHO, Police Station Pinjore, Panchkula has been filed. The same is taken on record. Copy supplied to the opposite side.

Perusal of the affidavit reveals that there are six number of cases pending against the petitioner including two under the NDPS Act.

At this stage, question to be decided is as to whether pre-arrest bail should be granted to the petitioner or not? The truthfulness of the allegations in the FIR is not to be determined by holding parallel trial in a

petition under Section 438 Cr.P.C. and the allegations are to be taken on face value coupled with material with police. Pre-arrest bail is a relief which is not to be granted just at the asking of an accused in routine manner, but in exceptional circumstances. Its purpose is not to save the accused from custodial interrogation which results into the extraction of the relevant facts from his mouth, but to maintain balance between both sides. Thus, in the present case, custodial interrogation of the petitioner is necessary for proper and effective investigation and in case the same is denied to the Investigating Agency, that will leave many loose ends and loopholes, adversely affecting the administration of justice.

In view of the above, this Court does not find any merit and the present petition is hereby dismissed.

Needless to say that the above observations may not be construed as an expression of opinion on the merits of the case.

It is very unfortunate that the FIR was registered on 28.09.2018, but the petitioner is still evading the arrest, which shows the total discount by the Investigating Officer in the matter.

Let necessary action be taken by the competent authority and report be submitted to this Court within four weeks from today.

February 04, 2019

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes