

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

**CRM-M No.52840 of 2018 (O&M)
Date of Decision: 20.02.2019**

Fayaz Ahmad Bhatt

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Jagjit Singh, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail, pending trial, to the petitioner in case FIR No.16 dated 21.08.2018, under Sections 21 & 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Nangal Bhoor, Pathankot.

It is contended by learned Counsel for the petitioner that his client has been falsely implicated and he has no role at all. Further contended that petitioner is in custody since 21.08.2018 and report under Section 173 Cr.P.C. has already been submitted and thus, no useful purpose would be served by keeping the petitioner behind the bars.

On the other hand, learned State Counsel, on instructions from ASI Ram Lubhaya, has opposed the submissions raised on behalf of the petitioner primarily on the ground that recovery is approximately 30,000 capsules of contraband.

Heard learned Counsel for the parties and perused the paper-book.

There is no doubt that the petitioner was apprehended at the spot while driving the Car bearing registration No.DL-9-CM-7474, from which, the contraband has been recovered.

At this stage, question to be decided is that as to whether pre-arrest bail is to be granted or not? The truthfulness of the allegations in the present case is not be determined by holding a mini trial at this stage. 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 even in a grave case, which may result into the extraction of the important information from his mouth. Custodial interrogation of the petitioner in the present case is necessary for proper and effective investigation to know the actual sources of contraband 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 heavy quantity of recovered contraband and bar of Section 37 of the NDPS Act, no ground for grant of anticipatory bail to the petitioner is made out. Hence, the present petition is dismissed.

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

February 20, 2019

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No