

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

**CRM-M No. 64585 of 2018
Date of Decision: 27.02.2019**

Pardeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. K.S.Dhaliwal, Advocate for the petitioner.
Mr.C.L.Pawar, Sr.DAG, Punjab.

MAHABIR SINGH SINDHU, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure (for short 'Cr.P.C') for grant of pre arrest bail to the petitioner in case FIR No.18 dated 04.07.2018, registered under Sections 21,25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station SSOC District Amritsar.

It is contended by learned counsel for the petitioner that neither any recovery has been effected nor complicity is *prima facie* proved in this case. Also contends that merely the petitioner is a resident of the village near Indo Pak border and he has been falsely implicated.

On the other hand learned State counsel opposed the contentions while submitting that complicity of the petitioner is duly proved from his mobile phone number 84375-72972.

Heard both sides and perused the paper book carefully.

In pursuance of the notice of motion issued by this Court, an affidavit of Baldev Singh, PPS, Deputy Superintendent of Police, State Special Operations Cell, Punjab, Amritsar has been filed, perusal of paragraph no.4 of the same reveals that three packets containing 3 kilogram and 162 grams of heroin were recovered from the co-accused namely Dhir Singh, Harjinder Singh and Gagandeep Singh and they were apprehended at the spot. Paragraph 7 of the affidavit further reveals that in view of the call details of the mobile phone number 84375-72972, the petitioner was actively in touch with the above said both the accused and his presence is duly established.

At this stage, question to be decided is that as to whether pre-arrest bail should be granted to the petitioner or not? The truthfulness of the allegations in the present case is not to be determined by holding a mini trial at this stage and the material collected during investigation is to be taken into consideration with reference to the gravity of the offence. 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 position 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 being part of the nexus.

In view of the above factual position, no ground is made for grant

of anticipatory bail to the petitioner.

Petition is, therefore, dismissed.

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

27.02.2019
mamta

(MAHABIR SINGH SINDHU)
JUDGE

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