

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

CRM-M-306-2020 (O&M)
Date of decision: 29.01.2020

Gurmukh Singh

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr. Simranjeet Singh, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

H.S. MADAAN, J. (Oral)

This petition for pre-arrest bail has been filed by petitioner Gurmukh Singh, an accused in FIR No.663 dated 14.12.2019 for offence under Section 15 of The Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered with Police Station City, Fatehabad.

Briefly stated facts of the case as per prosecution version are that on 14.12.2019, one Rubi was apprehended by the police and she was found in conscious possession of 03 kgs 200 gms of Doda Post. Her statement was recorded, wherein she disclosed that the contraband recovered from her had been supplied to her by petitioner Gurmukh Singh. Therefore, offence under Section 27-A of the Act was also added in the FIR.

Apprehending his arrest, petitioner Gurmukh Singh had approached the Court of Sessions, seeking pre-arrest bail but such petition was dismissed by Addl. Sessions Judge, Fatehabad, vide order dated 29.12.2019. As such, he has knocked at the door of this Court craving for grant of similar relief, which request is being resisted by the State counsel.

I have heard learned counsel for the parties besides going through the record.

In this case, though the petitioner had not been apprehended by the police party and no recovery of contraband had been effected from him but his name was disclosed by co-accused Rubi, who on being apprehended by the police party was found to be in possession of 03 kgs 200 gms of Doda Post. Said Rubi had disclosed that the contraband recovered from her had been supplied to her by the petitioner. Though, counsel for the petitioner has contended that statement of co-accused is not admissible against the petitioner but I find the contention to be lacking merit, since statement of co-accused during the investigation providing lead in the investigation can certainly be taken into consideration. The custodial interrogation of the petitioner is found to be necessary to know as to from where he has been purchasing the contraband and supplying to which persons. The custodial interrogation is more elicitation oriented since a person couched in comparative safety of the pre-arrest bail would definitely not disclose all the facts within his knowledge. In case the custodial

interrogation of the petitioner is denied to the investigating agency that shall leave many loose ends affecting the investigation adversely, which is uncalled for.

Furthermore, the petitioner as per list of the cases provided by the State counsel, is involved inasmuch as 35 criminal cases, most of them being under Excise Act and in several cases, he has been convicted which include cases under Section 61 of the Punjab Excise Act and under Sections 323, 341 and 34 IPC. Accordingly, the petition is found to be without merit and is dismissed accordingly.

29.01.2020
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No