

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

CRM-M-41-2020

Date of decision:-5.2.2020

Balbir @ Sonu

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.S.K. Bishnoi, Advocate
for the petitioner.

Mr.Kuldeep Sharma, DAG, Haryana.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Balbir alias Sonu, an accused in FIR No.0149 dated 27.9.2019, under Section 21 of NDPS ACT, registered with Police Station Ding, District Sirsa.

Briefly stated, the facts of the case as per the prosecution version are that on 27.9.2019 during the course of patrolling, a police party from Police Station Ding headed by ASI Deepak Kumar intercepted a car in which two ladies namely Parvati daughter of Ajab Singh and Roshni wife of Ajab Singh were sitting. The car was being driven by Sanjay son of Harpal and when that car bearing No.HR-57-A-1941 was searched, a transparent polythene packet containing 19 grams of heroin was recovered from the dash-board of the car. The accused could not

produce any permit or licence for retention of that contraband. Formal FIR was registered against them. Accused were formally arrested. During the course of interrogation, accused disclosed that they had purchased the recovered contraband from Balbir @ alias Sonu (present petitioner), resident of village Tarkanwali.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, Sirsa vide order dated 10.12.2019. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

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

In this case though recovery had been effected from co-accused of the present petitioner but then during the course of interrogation, the accused are stated to have disclosed name of the present petitioner as supplier.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required

for complete and effective investigation so as to find out the network of drug supply. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

5.2.2020

Brij

(H.S.MADAAN)**JUDGE****Whether reasoned/speaking : Yes/No****Whether reportable : Yes/No**