

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

CRM-M-1674-2020

Date of decision:-4.3.2020

Jugraj Singh @ Jagga @ Jagdev Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

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

Ms.Amarjit Kaur Khurana, DAG, Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Jugraj Singh @ Jagga @ Jagdev Singh, an accused in FIR No.122 dated 28.11.2019 for the offence under Section 21 of the NDPS Act (Section 29 of NDPS Act has been added later on), registered with Police Station Ghuman, Police District Batala, District Gurdaspur.

Briefly stated, the facts of the case as per the prosecution story are that on 28.11.2019 one Partap Singh @ Kero son of Baldev Singh, resident of village Saidoke was apprehended by police party from Police Station Ghuman led by ASI Gurmukh Singh and he was found to be in possession of 3 grams of heroin. He was formally arrested in this case. The contraband was also seized. He was interrogated during the

course of which, he disclosed that he had purchased heroin from accused Jugraj Singh @ Jagga @ Jagdev Singh (present petitioner) at the rate of Rs.3,000/- per gram for the purpose of self consumption as well as for sale. Therefore, Jugraj Singh @ Jagga @ Jagdev Singh was nominated in the case.

On registration of formal FIR, 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 Judge, Special Court, Gurdaspur vide order dated 21.12.2019. 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.

Learned State counsel has contended that after registration of the present FIR, two more FIRs under NDPS Act have been registered against the present petitioner i.e. FIR No.133 dated 20.12.2019 and FIR No.9 dated 1.2.2020.

The drug trafficking is rising at an alarming rate in this region, especially in the State of Punjab, which has ruined the lives of young men and women. Drug peddlers for a small monetary consideration make the youth to use drugs for a small time excitement/kick. The drug peddlers have successfully destroyed the social fabric of our society and led youth to the wrongful path. Such type of persons need to be dealt with

firmly and sternly and no sympathy can be shown to them lest that should prove to be counter productive and result in increased drug trafficking.

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 source from where he is getting the contraband and what was his modus operandi in bringing the contraband and then supplying it to various persons. 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.

Though the name of the petitioner has been figured in the case on the basis of statement of his co-accused but that statement can certainly be taken into consideration since it provides lead in the investigation.

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

4.3.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No