

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

CRM-M-1256-2020

Date of decision:-17.3.2020

Sazid Kumar

...Petitioner

Versus

State of Haryana

...Respondent

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

Argued by: Mr.Yashpal Thakur, Advocate
for the petitioner.

Ms.Dimple Jain, AAG, Haryana.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Sazid Kumar, an accused in FIR No.272 dated 3.10.2019 for the offences under Sections 20-B, 27-A and 61 of NDPS Act, registered with Police Station City, Ratia, District Fatehabad.

Briefly stated, the facts of the case as per the prosecution story are that on 3.10.2019, a police party from Police Station City, Ratia led by ASI Rameshwar Dass while on patrol duty at New Bus Stand, Ratia had apprehended accused Ashok Kumar and on being searched, he was found to be in possession of 2 kg 200 grams of Ganja, which was taken into police possession. He was interrogated, during the course of which, he disclosed that he had purchased the contraband from the present petitioner Sazid Kumar.

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 Additional Sessions Judge, Fatehabad vide order dated 9.1.2020. 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.

The drug trafficking is rising at an alarming rate in this region, 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 increase drug trafficking.

Though the petitioner is not named in the FIR and no recovery has been effected and he has been nominated in this case on the basis of disclosure statement of co-accused Ashok Kumar but that disclosure statement can certainly be taken into consideration since it provides lead in the investigation.

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.

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

17.3.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No