

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

CRM-M-1428-2020

Date of decision:-11.2.2020

Gurwinder Singh

...Petitioner

Versus

The State of Punjab

...Respondent

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

Present: Mr.Rajesh Bhatheja, Advocate
for the petitioner.

Rana Harjasdeep Singh, DAG, Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Gurwinder Singh, an accused in FIR No.125 dated 21.11.2019, under Sections 18 and 29 of NDPS Act, registered with Police Station Ajitwal, District Moga.

Briefly stated, the facts of the case as per the prosecution story are that on 21.11.2019, a police party from Police Station Ajitwal, District Moga while being present under bridge of bus-stand Ajitwal received secret information that Taranjit Singh @ Tarni son of Jagtar Singh, resident of House No.9/21, Dashmesh Nagar, Mandi Mullapur and Sukhjinder Singh @ Nikka son of Prem Singh, resident of Jhade, Police

Station Sadar, Ludhiana were involved in drug trafficking and on that day, they were going in their Honda City car bearing registration No.PB10X/0170 to supply opium to different villagers of District Moga and if a picket was laid, they could be apprehended. Since the information disclosed commission of an offence under Section 18 of NDPS Act, ruqa was sent to the police station, on the basis of which formal FIR was registered with the said police station. The car in question was intercepted by laying a picket and 3 kgs. of opium was recovered from Taranjit Singh @ Tarni and Sukhjinder Singh @ Nikka. Both Taranjit Singh @ Tarni and Sukhjinder Singh @ Nikka were arrested. The contraband was taken into police possession. During the course of interrogation accused Taranjit Singh @ Tarni suffered a disclosure statement that he had purchased 5 kgs. of opium from Bihar, out of which he had sold 2 kgs. of opium to the petitioner/accused Gurwinder Singh for a sum of Rs.2,40,000/- and the said amount had been hidden by him in the window of the driver side by breaking open the lock.

After Gurwinder Singh was nominated, apprehending his arrest in this case, he 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, Moga vide order dated 18.12.2019. As such, the petitioner has approached this Court asking for similar relief, which is being resisted by the State counsel.

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

In this case accused Taranjit Singh @ Tarni, while being

interrogated had disclosed that out of 5 kgs. of opium purchased by him from Bihar, he had sold 2 kgs. of opium to the petitioner/accused Gurwinder Singh for a sum of Rs.2,40,000/- and the said amount had been hidden by him in the window of the driver side by breaking open the lock. An objection has been raised by learned counsel for the petitioner that such statement of co-accused is not admissible against the present petitioner. However, this contention does not carry any weight since statement made by an accused showing his own involvement in the crime as well as that of the co-accused can certainly be taken into consideration during the course of investigation since that provides a lead in the investigation.

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 increase 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.

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

11.2.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No