

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

CRM-M-3378-2020

Date of decision:-17.2.2020

Sita Ram

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Amit Choudhary, Advocate
for the petitioner.

Ms.Harpreet Kaur, AAG, Haryana.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Sita Ram, an accused in FIR No.221 dated 16.9.2019, under Sections 15 and 18 of NDPS Act, registered with Police Station Sadar, Tohana.

Briefly stated, the facts of the case as per the prosecution story are that on 16.9.2019, a police party led by ASI Kuldeep Singh in the area of near Gaushala village Thaarvi had intercepted a Swift Car bearing registration No.HR-22Q-9675, white in colour and on being searched a bag placed on rear seat of the car was found to contain contraband in the form of 6 kgs. 50 gms. of poppy-husk and 115 gms. of opium. The driver of the car disclosed his name as Shamdeep @ Sandeep. He was accordingly arrested in this case. The contraband was seized.

During the course of interrogation, accused Shamdeep @ Sandeep disclosed that the contraband had been given to him by his father Sita Ram(present petitioner), who was then nominated as an accused.

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 14.1.2020. 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.

Learned State counsel submits that the present petitioner is involved in three more other criminal cases, details of which are as under:

1. FIR No.395 dated 28.6.1994, under Sections 148, 149 and 307 IPC, Police Station Sadar, Hisar.
2. FIR No.89 dated 2.4.1997, under Sections 18 of NDPS Act, Police Station Sadar, Tohana.
3. FIR No.283 dated 29.9.2014, under Section 15 of NDPS Act, Police Station Sadar, Tohana.

Though the name of the petitioner has figured in this case on the basis of disclosure statement of his son and co-accused 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.

17.2.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No