

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

CRM-M-3859-2020

Date of decision:-18.2.2020

Davinder Pal

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Ajay Kamboj, 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 – Davinder Pal, an accused in FIR No.0395 dated 22.12.2019, under Section 21 of NDPS Act, registered with Police Station City Mandi, Dabwali, District Sirsa.

Briefly stated, the facts of the case as per the prosecution story are that on 22.12.2019 in the area of near Indra Nagar, Mandi Dabwali, a police party from Police Station City, Mandi Dabwali led by ASI Ashok Kumar apprehended accused Kamaldeep Kaur wife of Gurpal Singh, resident of Ward No.7, Indra Nagar, Mandi Dabwali and recovered 9 gms. of heroin from her possession. She was arrested in this case and contraband was seized. While being interrogated, accused Kamaldeep Kaur disclosed that she had purchased the recovered contraband from

Davinder Pal (present petitioner). In that way, he was nominated as accused in this 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 Additional Sessions Judge, Sirsa vide order dated 8.1.2020. 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.

Learned State counsel submits that the accused is involved in another criminal case though according to the learned counsel for the petitioner, he has been acquitted in that case.

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

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

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.

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.

18.2.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No