

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

CRM-M-4527-2020 (O&M)
Date of decision: 14.02.2020

Vijay @ Rakko

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr. J.S. Waraich, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

H.S. MADAAN, J. (Oral)

This petition for pre-arrest bail has been filed by petitioner Vijay @ Rakko, aged about 27 years, an accused in FIR No.407 dated 28.10.2019, for an offence under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered with Police Station Narnaund, District Hansi.

Briefly stated facts of the case are that on 28.10.2019, ASI Dharambir Singh from Police Station Narnaund, while heading a police party was present at bus stand of Village Gurana in connection with patrolling and detection of crime, he received a secret information that Vijay @ Rakko (present petitioner) would come towards Village Gurana from from Barwala city for selling ganja and if a picket was laid, he could be caught red handed. The information being reliable,

ASI Dharambir Singh sent ruqa to the police station, on the basis of which, formal FIR was registered. A picket was laid. At about 2.50 PM, the petitioner/accused was seen coming from Barwala side and on seeing the police party, he beat a hasty retreat, however, a plastic bag of white colour kept on the tank of his motorcycle fell down. Vijay @ Rakko sped away towards Barwala on his motorcycle. On being checked, ganja was recovered from the plastic bag, which weighed 04 kgs and 600 gms. Necessary formalities were completed at the spot.

Apprehending his arrest in this case, petitioner/accused Vijay @ Rakko had approached the Court of Sessions at Hisar seeking pre-arrest bail. Such bail application was dismissed by learned Addl. Sessions Judge, Hisar, vide order dated 16.01.2020. Therefore, he has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

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

In the instant case, the petitioner is specifically named in the FIR. As per prosecution story, on observing the police party, the petitioner had succeeded in running away from the spot on his motorcycle but a packet being carried out by him on the tank of the motorcycle had fallen down, which was found to contain contraband in the form of ganja, weighing 4 kgs and 600 gms. The conduct of the accused in doing so shows his guilty intention. The custodial interrogation of the petitioner is necessary for complete and effective

investigation, so as to find out as to from where he had brought the contraband and to which people he was going to sell. In case, the same is denied to the investigating agency that shall leave many glaring loopholes and gaps, adversely affecting the investigation, which is uncalled for. The petitioner couched in comparative safety of pre-arrest bail, would certainly disclose all the facts within his knowledge and admittedly, custodial interrogation is more elicitation oriented than questioning a person, who is not in custody. Therefore, petitioner is not entitled to pre-arrest bail and petition so filed by him stands dismissed.

14.02.2020

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No