

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

CRM-M-5254-2020

Date of decision:-17.2.2020

Karamjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.J.K. Singla, Advocate
for the petitioner.

Ms.Amarjit Kaur Khurana, DAG, Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Karamjit, according to whom his name is wrongly mentioned in the FIR as Kulwinder Singh son of Nachhattar Singh, resident of Ward No.2, Bhikhi, District Mansa, an accused in FIR No.222 dated 10.11.2019, under Sections 22 and 29 of NDPS Act, registered with Police Station Bhikhi, District Mansa.

Briefly stated, the facts of the case as per the prosecution story are that on 10.11.2019, accused Rajji and Lakho were apprehended by the police of Police Station Bhikhi, District Mansa and on being searched, 270 tablets of Clovidol-100 SR(Tramadol) were recovered from Rajji, whereas 100 tablets of Prozolam 0.5 (Alprozolam) were recovered from accused Lakho. During interrogation, accused Lakho disclosed that

they had brought the contraband from Karamjit Singh (present petitioner).

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 Judge, Special Court, Mansa vide order dated 30.1.2020. 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.

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.

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