

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

CRM-M-5942-2020 (O&M)

Date of decision: 24.02.2020

Gagan Singh @ Gaggi

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr. D.S. Virk, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

H.S. MADAAN, J. (Oral)

This petition for pre-arrest bail has been filed by petitioner Gagan Singh @ Gaggi, aged about 19 years, an accused in FIR No.24 dated 16.01.2020, for an offence under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered with Police Station Ellenabad, District Sirsa.

Briefly stated facts of the case as per prosecution story are that accused Lal Singh was arrested and found in possession of contraband in the form of 06 gms of heroin. He was interrogated, during the course of which, he disclosed that he had received the contraband from Gagan Singh @ Gaggi (present petitioner). Therefore, the petitioner was nominated in the case.

Apprehending his arrest in this case, petitioner/accused Gagan Singh @ Gaggi had approached the Court of Sessions at Sirsa

seeking pre-arrest bail, which prayer was declined by learned Addl. Sessions Judge, Sirsa, vide order dated 03.02.2020. Therefore, he has approached this Court, craving for grant of that very relief, which request is being opposed by the State counsel.

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

Though, the petitioner is not named in the FIR and no recovery has been effected from him but he has been nominated during interrogation of his co-accused Lal Singh. Such statement of Lal Singh can certainly be taken into consideration for providing lead in the investigation. Custodial interrogation of the petitioner is essential to find out as to from where he had been procuring the contraband and supplying that to which persons. In case, his custodial interrogation is denied to the investigating agency that shall leave many glaring loopholes and gaps, adversely affecting the investigation, which is uncalled for. Custody interrogation of the petitioner is necessary since it is more elicitation oriented because if he is granted the concession of pre-arrest bail, with such order in his favour, he would definitely not disclose all the facts within his knowledge. Therefore, petitioner is not entitled to pre-arrest bail. There is no merit in the instant petition. The same stands dismissed.

24.02.2020

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(H.S. MADAAN)
JUDGE

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