

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

CRM-M-8292-2020 (O&M)

Date of decision: 27.05.2020

Karnail Singh @ Kaily

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. B.S. Jatana, Advocate for the petitioner.

Mr. Suveer Shokand, Addl. AG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail under Section 438 Cr.P.C. has been filed by petitioner Karnail Singh @ Kaily, an accused in FIR No.11 dated 07.02.2020, for an offence under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered with Police Station Boha, District Mansa.

Briefly stated facts of the case as per prosecution version are that on receipt of a secret information that petitioner Karnail Singh @ Kaily has been keeping and selling intoxicant tablets at his house, a raid was conducted at his residential house at Village Rampur Mander, however, on observing the police party, the petitioner threw the polythene bag which he was carrying in his left hand, down and ran away; that polythene bag was found to contain 19 strips of Tredol-100 i.e. 190

tablets. The contraband was taken into police possession and proceedings in accordance with law were taken.

Apprehending his arrest in this case, petitioner had approached the Court of Sessions at Mansa, seeking pre-arrest bail but his such petition was dismissed by Judge, Special Court, Mansa, vide order dated 20.02.2020. Therefore, he has approached this Court, praying for grant of similar relief, which request is being resisted by the State counsel.

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

The drug consumption in our State is showing an alarming rise. People especially the youth are taking to drug consumption rapidly in the process ruining their lives and properties. The drug peddlers for a small monetary consideration make the youth to use drugs for a small time excitement/kick. The drug peddlers need to be dealt with an iron hand because in case they are shown any leniency, they would be further spurt in drug trafficking. Learned counsel for the petitioner has stated that the petitioner is aged about 60 years and the whole story is concocted since he could not have escaped if the police party had actually conducted raid at his house and the contraband is planted upon him. He has further argued that the petitioner does not have any criminal past, therefore, he be granted pre-arrest bail, whereas, his request is being opposed vehemently by State counsel.

After hearing the rival contentions, I find that no cogent and convincing reason has been explained prompted by which the police

party might have planted a false case upon the accused. Nevertheless, guilt of the accused is to be determined during the trial. Here, we are dealing with a case for grant of pre-arrest bail, which is a discretionary relief and is to be granted in exceptional circumstances to save the innocent persons from harassment and inconvenience and not to shield the criminals from custodial interrogation. At this stage, generally, the prosecution case is to be seen and not the probable defence of the accused. The pleas raised by learned counsel for the petitioner do not have much relevance while deciding the application in hand. Keeping in view the totality of the circumstances, I find that the custodial interrogation of the petitioner is necessary to find out as to from where he had purchased the contraband and where it was to be supplied. 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. Finding no merit in the instant petition, the same stands dismissed.

27.05.2020

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(H.S. MADAAN)
JUDGE

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