

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

CRM-M-8291-2020 (O&M)

Date of decision: 06.03.2020

Ravinder

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr. Pratham Sethi, 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 Ravinder, aged about 25 years, an accused in FIR No.59 dated 10.02.2020, for an offence under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered with Police Station Civil Lines, Sirsa.

Briefly stated facts of the case as per prosecution story are that on 27.07.2018 in the area of Police Station City Fatehabad, accused Mukesh Kumar son of Vinod Kumar was apprehended by a police party from that very police station and he was found in possession of 06 gms of heroin. He was interrogated, during the course of which, he nominated the present petitioner as supplier of the contraband to him.

Apprehending his arrest in this case, petitioner/accused 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 20.02.2020. 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.

Even as mentioned in the petition for pre-arrest bail filed by the petitioner, he is involved in two more cases i.e. FIR No. 291 dated 27.07.2018 U/s 21 (b) of the Act and FIR No.416 dated 27.07.2018 U/s 21 (b) of the Act. That means he is a drug peddler. His custodial interrogation is definitely required to find out from where he had been receiving supply of contraband and to which persons, he had been supplying the same. For purpose of smashing the network, custodial interrogation of the petitioner is a must and 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 cannot take advantage of the fact that he is not named in the FIR and no recovery was effected from him. It is to be taken note of that his co-accused during his interrogation had stated that he had received the supply of contraband from the present petitioner. Name of the petitioner appearing in the statement of co-accused during course of investigation can certainly be looked into for

the purpose of providing the clue and lead in investigation. It cannot be said that the statement made by co-accused during interrogation is inadmissible against the petitioner. As mentioned above, it is not so in terms of Section 30 of the Indian Evidence Act. Such statement is admissible during trial even. There is no merit in the instant petition. The same stands dismissed.

06.03.2020

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(H.S. MADAAN)
JUDGE

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