

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

CRM-M-19498-2020

Date of decision:-27.7.2020

Chhota Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.N.S. Chahal, Advocate for the petitioner.

Mr.Harbir Sandhu, AAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Chhota Singh aged about 31 years, an accused in FIR No.205 dated 4.4.2020 for the offences under Section 21 NDPS Act (Sections 22 and 29 of NDPS Act were added later on), registered with Police Station City, Barnala.

Briefly stated, the facts of the case as per the prosecution story are that on 4.4.2020 Paramjit Kaur wife of Chhota Singh (present petitioner) was nabbed by a police party and 8 grams of heroin and 400 intoxicant tablets were recovered from her possession. She was arrested in this case. She was interrogated, during the course of which she named her husband Chhota Singh (present petitioner) having brought the contraband.

After being nominated as an accused in this case, petitioner

Chhota Singh apprehending his arrest in this case had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, Barnala vide order dated 22.6.2020. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition is given to respondent – State. Mr.Harbir Sandhu, AAG, Punjab has put in appearance on behalf of respondent – State and accepts notice on behalf of respondent - State.

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

The allegations against the petitioner are very grave and serious of having procured the contraband, which had been recovered from the possession of his wife.

The drug trafficking is rising at an alarming rate in this region, especially in the State of Punjab, which has ruined the lives of young men and women. Drug peddlers for a small monetary consideration make the youth to use drugs for a small time excitement/kick. The drug peddlers have successfully destroyed the social fabric of our society and led youth to the wrongful path. Such type of persons need to be dealt with firmly and sternly and no sympathy can be shown to them lest that should prove to be counter productive and result in increased drug trafficking.

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.

The petitioner has been named in the disclosure statement of co-accused, which can certainly be taken into consideration for providing lead in the investigation.

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. Information with regard to some past transactions by him is also to be elicited. 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.

27.7.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No