

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

CRM-M-19171-2020
Date of decision:-5.8.2020

Moti Lal

...Petitioners

Versus

State of Haryana

...Respondent

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

Present: Mr. Gautam Diwan, Advocate
for the petitioner.

Mr.Karan Sharma, AAG, Haryana.

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 petitioner – Moti Lal aged about 32 years, an accused in FIR No.229 dated 3.7.2020 for the offences under Sections 20 of NDPS Act, registered at DLF, Sector 29, Gurugram.

Briefly stated, the prosecution story is that on 3.7.2020 in pursuance of secret information that present petitioner Moti Lal had kept large amount of GANJA on 5th floor of his house, a police party from Police Station Sector-29, Gurugram conducted a raid at House No.482, Gali No.2, Chakkarpur, Gurugram. On seeing the police party, the petitioner/accused managed to escape by jumping the wall. Search of the

premises revealed 17 kgs. of GANJA placed in one of the room on the 5th floor of the house. Formal FIR was recorded. The recovered contraband was taken into possession. The investigation in the matter started.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions for grant of pre-arrest bail but his such application was declined by learned Additional Sessions Judge, Gurugram vide order dated 9.7.2020. Feeling aggrieved, he has approached this Court for grant of similar relief.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation.

The allegations against the petitioner are very grave and serious that on seeing the police party, he had escaped from his house. If the petitioner had not committed any offence, there was no reason for him to flee from the spot on seeing the police party. His doing so goes to show his guilty conscious. 17 kgs. of GANJA is said to have been recovered from the residential accommodation of the petitioner.

Learned counsel for the petitioner has made several submissions contending that the petitioner has not committed any offence; that a wrong FIR has been got registered against him by the neighbours on account of enmity; that CCTV camera footage installed at the residence of the petitioner would show that he had not run away from the spot and that the petitioner is not in possession of the house in question etc. But I find

that these submissions are not much relevant at this stage, although those may be helpful to the petitioner during the trial, if he is successful in establishing those. In this case the guilt of the accused is not going to be determined and rather his entitlement for grant of pre arrest bail is to be seen.

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 to find out as to from where he had brought the contraband and where he intended to sell it. 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.

5.8.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No