

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

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CRM-M-26067-2020 (O&M)

Date of Decision: 27.10.2020

AMRITPAL SINGH @ AMITPAL SINGH @ GAGGU

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. L. S. Sidhu, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Prayer in the instant petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to petitioner-Amritpal Singh @ Amitpal Singh @ Gaggu in case FIR No.169 dated 05.08.2020 under Sections 22 and 25 of NDPS Act, registered at Police Station Maur, District Bathinda.

Learned counsel for the petitioner *inter alia* contends that the allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further urges that the only allegation against the petitioner is that while riding on motorcycle, he was guiding the car from which recovery of alleged contraband was

effected. He further urges that the petitioner was not apprehended on the spot and alleged recovery of contraband has already been effected. He further urges that petitioner has been falsely implicated due to political rivalry. He further urges that though petitioner has no nexus whatsoever with the alleged offence, even then he is ready to join investigation as and when called upon to do so by the Investigating Agency and as such he deserves the concession of pre-arrest bail.

On the other hand, learned State counsel while opposing the cause of petitioner vehemently submits that petitioner has direct nexus with the offence in question as at the relevant time while riding on motorcycle, he was guiding the offending vehicle (car bearing registration No.HR-40H-5543), whereby contraband i.e. 34,000 tablets of Clovidol 100-SR (Tramadol Hydrochloride), was being transported. He further urges that though co-accused namely, Gursewak Singh and Sandeep Singh, driver and another occupant respectively of above said car, were apprehended on the spot having conscious possession of above said contraband, whereas petitioner while taking advantage of the situation sped away on the motorcycle from the spot. He further urges that during interrogation of above said co-accused on the spot, identity of petitioner was revealed and it was disclosed that contraband was to be supplied to him. He further urges that since huge quantity of contraband (commercial quantity) was to be supplied to petitioner, his custodial interrogation is necessitated to unearth the genesis of offence and further

recovery of motorcycle used in the commission of crime is yet to be effected. He further urges that the petitioner was specifically named and his role was narrated in the FIR itself, in this scenario, petitioner does not deserve the concession of pre-arrest bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition as well as reply submitted at the instance of respondent-State.

Without commenting anything on the merits of the case, lest it may prejudice the case of either of the parties, allegedly petitioner while guiding co-accused namely, Gursewak Singh and Sandeep Singh indulged in transaction of huge quantity of contraband i.e. 34,000 tablets of Clovidol 100-SR (Tramadol Hydrochloride). Allegedly, petitioner was named in the FIR and his attributed role was also narrated in the FIR itself. Pre-arrest bail to an accused should be granted in exceptional circumstances as a person couched in comparative safety to the pre-arrest bail would certainly not disclose all the facts within his knowledge. In a given situation, custodial interrogation of petitioner is certainly required for complete and effective investigation. In case, same is denied to the Investigating Agency that shall leave many glaring loopholes and gaps, adversely affecting investigation, which is uncalled for. Keeping in view totality of entire scenario and gravity of offence, no extra-ordinary ground has been made out in favour of petitioner for his entitlement of pre-arrest bail.

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As a sequel to above, instant petition for grant of pre-arrest
bail moved by the petitioner is dismissed.

(LALIT BATRA)
JUDGE

27.10.2020

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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No