

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

CRM-M-33197-2020 (O&M)

Date of decision: 04.11.2020

Satpal

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr. D.S. Virk, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Satpal, aged about 24 years, an accused in FIR No.514 dated 31.08.2020, for an offence under Section 22 (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered with Police Station Division City Sirsa, District Sirsa.

Briefly stated facts of the case as per prosecution version are that, on 31.08.2020, a police party from Police Station City Sirsa headed by ASI Mahinder Singh had apprehended one Gurmangat Singh @ Manga in the area of Nohria Bazaar, Sirsa and he was found in possession of 150 capsules make PARVORIN-SPAS Tramadol Hydrochloride, Diclofenac Sodium without any permit or license. He was formally arrested in this case. The contraband was seized. Formal FIR in the matter was registered. The investigation in the case started. Accused

Gurmangat Singh @ Manga was interrogated, during the course of which, he stated that he had purchased the contraband from Nitish Pardhan having mobile No.99923-88271. The petitioner was accordingly nominated in this case.

Apprehending his arrest in this case, petitioner had approached the Court of Sessions at Sirsa, seeking pre-arrest bail. However, his such petition which was assigned to Addl. Sessions Judge, Sirsa, was dismissed by that Court, vide order dated 09.10.2020. Therefore, he has knocked at the door of this Court, praying for grant of similar relief.

Notice of motion.

Mr. Tanuj Sharma, AAG, Haryana, accepts notice on behalf of the State and opposes the prayer made on behalf of the petitioner.

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

As the prosecution story goes, when Gurmangat Singh @ Manga was nabbed by the police party, he was found in possession of the contraband and while being interrogated by the police, he had disclosed that he had purchased the said contraband after contacting Nitish Pardhan on mobile No.99923-88271. Counsel for the petitioner has contended that Gurmangat Singh @ Manga had not taken name of the present petitioner as supplier of the contraband and the petitioner is not known by name of Nitish Pardhan.

However, learned State counsel has contended that the petitioner in fact is known as Nitish Pardhan also and the mobile number

on which Gurmangat Singh @ Manga used to contact Nitish Pardhan is registered in the name of the present petitioner Satpal, therefore, Nitish Pardhan and Satpal are one and the same person. I find such explanation by State counsel to be convincing and plausible. The petitioner is trying to create confusion regarding the identity of the supplier in order to get benefit from the Court. The very fact that the mobile number disclosed by Gurmangat Singh @ Manga, on which he used to contact the supplier is registered in the name of the present petitioner Satpal goes to show that the supplier was in fact the present petitioner, may be known as Nitish Pardhan also. Custodial interrogation of the petitioner is definitely required to find out as to from where he used to procure the contraband and the persons to whom he used to supply the same, so that, the investigation can reach the culprits who are engaged in racket of drug peddling in the area, so as to control this menace. In case, the custodial interrogation of the petitioner is denied to the investigating agency that shall result in causing many lacuna, loopholes and missing links, adversely affecting the investigation, which is uncalled for.

Undoubtedly, pre-arrest bail is a discretionary equitable relief which is meant to save innocent persons from inconvenience and harassment and not to shield the criminals from custodial interrogation by the investigating agency. Admittedly, custodial interrogation is more elicitation oriented than questioning a person which is protective umbrella of pre-arrest bail because in case of latter, he may not disclose all the facts within his knowledge. Learned Addl. Sessions Judge, Sirsa has observed that custodial interrogation of the petitioner is necessary to

unearth the racket of peddlers, since the petitioner/accused is stated to be part thereof. Therefore, no case for grant of pre-arrest bail to the petitioner is made out. The petition is dismissed accordingly.

04.11.2020

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(H.S. MADAAN)
JUDGE

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