

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

CRM-M-52603-2019

Date of decision:-16.3.2020

Sanjeev Kumar

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Munish Puri, Advocate
for the petitioner.

Rana Harjasdeep Singh, DAG, Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Sanjeev Kumar, an accused in FIR No.90 dated 6.11.2019 for the offence under Section 22 (Section 29 added later on) of NDPS Act, registered with Police Station Shahpur Kandi, District Pathankot.

Briefly stated, the prosecution story is that on 6.11.2019, a police party of STF Wing BR/ASR (Pathankot) headed by LR ASI Suran Singh had laid a picket in the area of Defence Road Mamoon Cantt. in

connection with checking of drug peddlers and anti social elements when accused Madan Lal @ Maddi driving the motorcycle came there and while he was in the process of turning back on seeing the police party, he was apprehended and contraband in the form of 150 strips each containing 10 tablets of Alprazolam IPB-REST 0.5 total 1500 in number were recovered. The contraband was seized and Madan Lal was arrested in this case. He was interrogated, during the course of which, he disclosed that he had purchased those tablets from Sanjeev Kumar (present petitioner) and he would contact Sanjeev Kumar on his mobile phone No.8628842626, in that way, Sanjeev Kumar, present petitioner was nominated in this case.

On registration of formal FIR, apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Judge, Special Court, Pathankot vide order dated 28.11.2019. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

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

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 increase drug trafficking.

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.

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.

Though the name of the petitioner has been figured in the case on the basis of disclosure statement of his co-accused but that disclosure statement can certainly be taken into consideration since it provides 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. 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.

16.3.2020

Brij

(H.S.MADAAN)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No