

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

CRM-M-55581-2019 (O&M)

Date of decision: 06.02.2020

Santokh Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. K.S. Brar, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

H.S. MADAAN, J. (Oral)

This petition for pre-arrest bail has been filed by petitioner Santokh Singh, aged about 45 years, an accused in FIR No.182 dated 29.09.2019, for offence under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered with Police Station Guruharshai, District Ferozepur.

Briefly stated facts of the case as per prosecution story are that on receipt of secret information, Santokh Singh @ Toli (present petitioner), Harjinder Singh @ Pappa and Jagmit Singh were indulging in illegal business of selling and purchase of narcotics in the form of poppy husk and on 29.09.2019, they were coming in a Swift Car bearing No.DL-3CBC-3053 and if a raid was conducted, then heavy quantity of contraband could be recovered. Accordingly, a picket was

laid; car bearing that very number was intercepted, however, occupants of the car on seeing the police party ran away; car was searched and 08 bags of poppy husk each weighing 10 kgs were recovered. Formal FIR was registered.

Apprehending his arrest in this case, petitioner/accused Santokh Singh had approached the Court of Sessions at Ferozepur, seeking pre-arrest bail. Such bail application was dismissed by Judge, Special Court, Ferozepur vide order dated 11.12.2019.

Feeling dissatisfied, the petitioner has approached this Court, craving for grant of similar relief, which request is being resisted by the State counsel.

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

Drug trafficking in this part of the country is increasing at an alarming rate. Youth of the region is increasingly taking to consumption of drugs, in the process ruining their lives. A major social problem has arisen in that regard. The drug peddlers for a small monetary consideration make the youth to use drugs for a small time excitement/kick. The drug peddlers need to be dealt with an iron hand because in case they are shown any leniency, they would be further spurred in drug trafficking. In this case, as per prosecution story, the petitioner was one of the occupants of the car, who on seeing the police party had run away. The car was found to have 80 kgs of poppy husk, which comes within commercial quantity, inviting rigors of Section 37

of the Act. As per prosecution story, Darshan Lal, a member of the police party was already acquainted with the present petitioner and other two persons, who had run away from the spot. Custodial interrogation of the petitioner is necessary to find out as to from where the contraband was being brought and where it was to be supplied. In case, the same is denied to the investigating agency that shall leave many glaring loopholes and gaps, adversely affecting the investigation, which is uncalled for. The petitioner has got a long criminal record and as informed by the State counsel, he is involved inasmuch as 06 cases, three of them being under Excise Act and the rest of the cases are under NDPS Act. Concession of pre-arrest bail is meant to be given to the innocent persons in order to save them from unnecessary harassment and inconvenience and not to shield the criminals from being put to interrogation by the police agency. The act and conduct of the accused is also to be taken into consideration while considering his entitlement to grant/refusal of pre-arrest bail. Keeping in view the facts and circumstances of the case, no case for pre-arrest bail is made out. The petition is found to be without merit and is dismissed accordingly.

06.02.2020

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(H.S. MADAAN)
JUDGE

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