

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

CRM-M-1962-2020 (O&M)

Date of decision: 21.01.2021

Amandeep Khan @ Aman

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. Pardeep Kumar, Advocate for
Mr. J.S. Sandhu, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Amandeep Khan @ Aman, an accused in FIR No.136 dated 27.11.2019, for an offence under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered with Police Station City Rampura, District Bathinda.

Briefly stated the prosecution story is that, on 27.11.2019, a police party from Police Station Rampura, headed by Inspector/SHO Harbans Singh was present near Petrol Pump at Mehraj road, Rampura Phull, then on the right side of the petrol pump, two persons were spotted, one of them was sitting on seat of the motorcycle, whereas other was standing nearby; they were having separate polythene bags in their hands and they were exchanging something from those polythene bags; on

seeing the police party, they became nervous and tried to leave that place on the motorcycle, however, the motorcycle was intercepted and riders were apprehended; they disclosed their names as Bant Singh @ Bunty son of Shiv Lal and Rampal @ Raju; the polythene bags being carried by them in their hands were searched as per law in the presence of Sh. Jasvir Singh, DSP, Sub Division Mour, who had been summoned to the spot; from the polythene/plastic bag which Bant Singh @ Bunty was holding in his hand, 90 strips of tablets of Celvidol-100 SR each of 10, batch No.19H-T942 total 900 tablets were recovered and from the bag being carried by Rampal @ Raju, 25 strips of tablets of Celvidol-100 SR each of 10, batch No.TVD-19375, total 250 tablets were recovered; the recovered contraband was seized and taken into police possession; the accused were arrested in this case; formal FIR was got was registered; the investigation in the case started, during the course of which, involvement of the petitioner-accused was also found, since Chhinderpal Singh had named the present petitioner Amandeep Khan @ Aman being supplier of the contraband, which had been recovered from the possession of accused Bant Singh @ Bunty and Rampal @ Raju.

Apprehending his arrest in this case, petitioner/accused had approached the Courts of Sessions at Bathinda by moving application for grant of pre-arrest bail. His such application was assigned to Addl. Sessions Judge, Bathinda, who vide order dated 16.12.2019, dismissed the same. Feeling aggrieved, the petitioner has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

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

Learned counsel for the petitioner has contended that the petitioner is not named in the FIR and no recovery has been effected from him; his name has cropped up during interrogation of co-accused, which is inadmissible in evidence; there is no incriminating material available against the present petitioner; he is ready and willing to join the investigation, as such, pre-arrest bail be granted to him.

Whereas, the request is being opposed vehemently by State counsel.

After hearing the rival contentions, I find the submissions made by learned counsel for the petitioner to be without any merit, coming to the conclusion that the petition is doomed for failure. As far as the petitioner being not named in the FIR, the petitioner cannot get any advantage of this fact, since FIR is recorded in case commission of some cognizable offence is found to be there. It may not contain a detailed version, since only during investigation the necessary details can be found out. In the instant case, when Bant Singh @ Bunt and Rampal @ Raju were apprehended by the police party and the contraband was recovered from them, they were apprehended and during investigation one Chhinderpal Singh, had disclosed the name of the present petitioner as supplier of the contraband. Such type of statement can certainly be taken into consideration for the purpose of providing lead in the investigation. Statement of a co-accused is admissible under Section 30 of the Indian Evidence Act. The custodial interrogation of the petitioner is

definitely required for complete and effective investigation to find out from where he had procured the contraband which had been supplied by him to various carriers and had been recovered from Bant Singh @ Bunty and Rampal @ Raju. Names of his customers are also to be enquired about from him. In case, it is denied to the investigating agency that shall leave many gaps, loopholes and lacuna, adversely affecting the investigation, which is uncalled for. Even otherwise, keeping in view the rising situation of drug addiction in the region, the custody of the petitioner for his interrogation is necessary, so that the racket of drug peddling can be busted, in an effort to control the drug peddling, suffering several precious lives of the young men and women. Under the circumstances, considering the nature and extent of recovery also the petitioner is not entitled to discretionary equitable relief of pre-arrest bail, which is meant to save the innocent persons from harassment and inconvenience and not to provide protective umbrella to the criminals enabling them to avoid arrest and interrogation by the investigating agency. The petition is found to be without any merit and is dismissed accordingly.

21.01.2021

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(H.S. MADAAN)
JUDGE

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