

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 13103 of 2021 (O&M)

Date of decision : 25.5.2021

...

Gurlal Singh @ Lada

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Angel Walia, Advocate for the petitioner

Mr. J.S. Ghuman, Deputy Advocate Advocate General,
Punjab.

...

H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

CRM-13588-2021

This is an application for pre-ponment of hearing in the
main petition which is fixed for 17.8.2021.

Heard.

The application stands accepted. The main petition is
pre-poned and taken up today.

Main case.

This petition for pre-arrest bail under Section 438 Cr.P.C.,
has been filed by petitioner – Gurlal Singh @ Lada, aged about 23
years, s/o Jaga Singh, resident of village Vanieke, Tehsil Ajnala,

District Amritsar, being accused in case FIR No. 175 dated 31.12.2020 for offences under Sections 21/25/29 of the NDPS Act, registered at Police Station STF Mohali.

Briefly stated, facts of the case, as per prosecution story, are that Special Task Force, Border Range, Amritsar, received a secret information to the effect that one Harwant Singh @ Giani, is indulging in smuggling of heroin and Nirmal Singh @ Nimma and Gurlal Singh @ Lada – present petitioner, were supplying the said contraband. Accordingly, on 31.12.2020 a picket was laid and Nirmal Singh @ Nimma and Gurlal Singh @ Lada were spotted coming on a motorcycle bearing registration No. PB-02-DB-0372, who on seeing the police party threw away the motorcycle and ran away. However, Nirmal Singh @ Nimma was apprehended by the Police Party and Gurlal Singh @ Lada managed to flee. On personal search of Nirmal Singh @ Nimma, having been conducted, 100 grams of heroin was recovered from his pocket. He disclosed that he alongwith Gurlal Singh @ Lada – present petitioner were going to supply heroin of Harwant Singh @ Giani to some customer. Nirmal Singh @ Nimma was arrested in this case and the recovered contraband was seized.

Having been nominated in this case, Gurlal Singh @ Lada, had approached the Court of Sessions at Amritsar, seeking pre-arrest bail. However, such application filed by him, which was assigned to Additional Sessions Judge, Amritsar, was dismissed vide order dated 24.2.2021. Therefore he has knocked at the door of this Court,

craving for grant of similar relief, which request is being opposed by learned State counsel,

I have heard, learned counsel for the petitioner, learned State counsel, besides going through the record.

The present petitioner is specifically named in the FIR. As per the prosecution story, when motorcycle of Nirmal Singh @ Nimma and Gurlal Singh @ Lada, was intercepted by the Police Party during Naka, Nirmal Singh @ Nimma had been apprehended. However, the petitioner had managed to run away. If the petitioner had not done anything wrong, then there was no reason for him to flee from the spot. On being questioned, Nirmal Singh @ Nimma, is stated to have informed the Investigating Officer that the person who had run away from the spot was the present petitioner and he alongiwith Gurlal Singh @ Lada – present petitioner was going to supply herion of Harwant Singh @ Giani to some customer, when he was apprehended.

The custodial interrogation of the petitioner is required for complete and effective investigation, so as to find out about the other transactions with regard to supply of contraband by him to various persons alone or in company of some other criminal. This is necessary to bust racket of drug peddling. In case the custodial interrogation of the petitioner is denied to the investigating agency, that would leave many lacuna, loopholes and gaps in the investigation, adversely affecting the same, which is not called for.

It may be mentioned here that the custodial interrogation of

an accused is more elicitation oriented because a criminal having protection of pre-arrest bail would certainly not come out with all the information within his knowledge, fully knowing that the police would not be able to take any action against him, even if he remains quiet. Furthermore, the pre-arrest bail is a discretionary equitable relief, which is not to be granted in routine, but in exceptional circumstances. This relief is to be granted to the persons who may be involved in false criminal cases on account of political or such like reasons, to save them from harassment and any inconvenience and it is not to act as a shield for the criminals to provide protective cover to them from arrest and interrogation by the police.

No misplaced sympathy can be shown to the persons engaged in supply of drugs to common people, ruining their lives and creating a big social problem, which such drug peddlers do for small monetary benefits.

As such the petition lacks merit and is dismissed accordingly.

However, nothing discussed above shall have any bearing on the merits of the case.

25.5.2021
chugh

(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No