

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 17066 of 2021 (O&M)

Date of decision : 27.5.2021

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Gurmeet Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

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

Present: Mr. Mukesh Singla, Advocate for the petitioner

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

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail under Section 438 Cr.P.C., has been filed by petitioner – Gurmeet Singh, aged about 45 years son of Baldev Singh, r/o village Harimajra, PS Ghanur, Tehsil Rajpura, District Patiala, being accused in case FIR No. 36 dated 6.4.2021 for offences under Section 15,18,61,85 of the NDPS Act, registered at Police Station Ghanour, District Patiala.

In nutshell, the facts of the case, as per the prosecution story are that, the petitioner had sown poppy plants in his agricultural land. The Police had conducted a raid there and green poppy plants weighing 9 kgs 380 grams were recovered. It may be mentioned here

that on receipt of a secret information and watching a video film provided by the informer, FIR had been recorded and thereafter a raid was conducted on the agricultural land of the petitioner-accused.

Apprehending his arrest in this case, petitioner -accused Gurmeet Singh had approached the Court of Judge Special Court, Patiala, for grant of pre-arrest bail by filing an application in that regard, which was however dismissed vide order dated 16.4.2021. Feeling aggrieved, he has knocked at the door of this Court, praying for grant of similar relief, by way of filing the present petition, 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 allegations against the petitioner are very grave and serious of growing poppy plants in his fields. Though counsel for the petitioner has taken up a plea that the said land is a joint land and is not in exclusive possession of the petitioner, but there is no cogent and convincing documents to substantiate such plea. Even otherwise, it is specific case of the prosecution that the land where poppy plants were sown, belongs to the petitioner.

The custodial interrogation of the petitioner is required for complete and effective investigation of the case. In case the custodial interrogation of the petitioner is denied to the investigating agency, that would leave many lacuna, loopholes and gaps, adversely affecting the investigation, which is not called for.

Thus the petition is doomed for failure and is dismissed

accordingly.

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

27.5.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No