

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

CRM-M-23966-2021
Date of decision:-3.8.2021

Vinod

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.S.S. Gill, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Vinod aged about 42 years, resident of Chattatgarh Patti, Sirsa, an accused in FIR No.250 dated 26.5.2021, under Section 21 of NDPS Act, registered with Police Station City, Sirsa.

In nutshell, the facts of the case as per the prosecution version are that on 26.5.2021, accused Vijender Kumar and Ramesh alias Pammi were apprehended by the police of Police Station City, Sirsa and

they were found in possession of 130 gms. of heroin wrapped in a glazed paper. The recovered contraband was seized, whereas accused were arrested in this case. After registration of formal FIR, the matter was investigated. Both the accused on being interrogated disclosed that they had purchased 200 gms. of heroin from the present petitioner Vinod, out of which they had sold 70 gms, whereas remaining 130 gms. heroin meant for sale had been recovered from them by the police. In that way, present petitioner/accused Vinod was nominated as an accused in this case.

Thereafter, apprehending his arrest, the present petitioner had approached the Court of Sessions at Sirsa seeking grant of pre-arrest bail by filing an application, however, his such application, which was assigned to learned Additional Sessions Judge, Sirsa was dismissed by that Court vide detailed order dated 9.6.2021. As such, the present petitioner has approached this Court by way of filing the instant petition asking for the similar relief, which request is being resisted by the State counsel.

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

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 arrest and custodial interrogation.

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

in the investigation.

Section 30 of the Indian Evidence Act provides that when more person than one are being tried jointly for the same offence, and a confession made by one of such persons affecting himself and other of such persons is proved, the Court may take into consideration such confession as against such other person as well as against the person who makes such confession.

Furthermore, the custodial interrogation of the petitioner/accused is required for complete and effective investigation to find out as to from where the contraband had been procured and to which persons, it was to be supplied, the previous dealings, in which the present petitioner had indulged etc. 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, since the investigation would be curtailed to a great extent and the investigating agency would not be able to reach the bottom of the things to find out the material facts and then to act against the persons running the drug racket in order to curb the alarming extent of drug abuse and drug addiction amongst the people of the State.

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.

Therefore, the facts and circumstances of the case do not call for acceptance of the petition. The same is doomed for failure and is dismissed accordingly.

3.8.2021

Brij

(H.S.MADAAN)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No