

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

133+256

CRM-M-34004 of 2021(O&M)
Date of Decision : 03.09.2021

Shankar Singh Sisodia

..Petitioner

Versus

State of Haryana

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. B.S. Saroha, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in FIR No.97 dated 23.03.2021 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Kurukshetra University, District Kurukshetra.

Learned counsel for the petitioner argues that the petitioner has been wrongly involved in the present FIR as no recovery has been effected from the petitioner and the recovery of 217 grams of heroin has been done from the co-accused namely, Satnam Singh @ Satta . Learned counsel for the petitioner submits that the petitioner is ready to join and cooperate in the investigation and, therefore, he be granted the benefit of anticipatory bail.

Learned State counsel submits that the status report has been filed in the present case, wherein, it has been stated that the petitioner is a habitual offender as there are two other FIRs registered against him. Learned State counsel further submits that apart from the present case, FIR No.147 dated 21.03.2021 at police Station Krishana Gate, Thanesar District Kurukshetra and FIR No.135 dated 05.08.2021 at Police Station Jhansa, District Kurukshetra have been registered against the petitioner. Learned State counsel submits that under the IPC also an FIR was registered against the petitioner in Madhya Pradesh.

Learned counsel for the petitioner submits that the petitioner has already been granted the benefit of anticipatory bail in FIR No.147 dated 21.03.2021 and, therefore, he be granted the benefit of anticipatory bail in the present case also.

Learned State counsel on instructions from ASI Karamvir submits that even in FIR No.147 dated 21.03.2021, the petitioner has not associated himself in the enquiry proceedings so far, which shows the conduct of the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegations alleged against the petitioner are very serious in nature for the reason that the petitioner is being termed as a person who is running drugs racket, There are three other FIRs pending against the petitioner and the actual facts regarding the allegations of running drugs racket needs to be unearth to find out the source of procuring the drugs.

Further, the conduct of the petitioner that he is involved in other three FIRs as well as that he has not joined the investigation when he was granted the

benefit of anticipatory bail in FIR No.147 dated 21.03.2021, shows that the petitioner is not bothered to join the investigation and also raises a doubt whether petitioner will cooperate during investigation if granted concession of anticipatory bail.

Keeping in view the facts and circumstances noticed hereinbefore, the custodial interrogation of the petitioner is necessary to find out the truth as to from where the drugs have been procured by the petitioner to be sold and the present case does not fall in the category where directing the petitioner to join into investigation and co-operate, will achieve purpose of investigation. Even the Hon'ble Supreme Court of India in *State represented by the C.B.I.Vs. Anil Sharma*, 1997(4) R.C.R.(Criminal) 268, has held that in case where serious allegations have been alleged and the truth needs to be elicited from the accused, the same can only be done through the custodial interrogation as compared to questioning a suspect, who is already on anticipatory bail.

In view of the above, no ground is made out to allow the present petition seeking anticipatory bail to the petitioner.

Dismissed.

September 03, 2021

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No