

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-44916-2021

Date of decision: 28.10.2021

Malwinder Singh @ Raman

.... Petitioner

V/s

State of Punjab

...Respondent(s)

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Yuv Raj Saini, Advocate,
for Ms. Anshika Sharma, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present case, the prayer of the petitioner is for grant of anticipatory bail in FIR No.215 dated 26.09.2021, under Sections 22(C) of the NDPS Act (Section 29 of the NDPS Act added later on vide DDR No.32 dated 28.09.2021 (Annexure P-2) registered at Police Station City Kotkapura, District Faridkot. Learned counsel for the petitioner argues that in the present case no recovery of the contraband has been done from the petitioner and the petitioner has only been arrested on the basis of disclosure statement of co-accused namely Pawan Kumar and Kuldeep Singh @ Mintu from whom 1850 intoxicant tablets were recovered. Learned counsel for the petitioner submits that keeping in view the fact that no recovery has been done from the petitioner, the petitioner, who is ready to join the investigation and co-operate the same, may kindly be extended the benefit of bail.

Notice of motion.

Mr. Kirat Singh Sidhu, learned Deputy Advocate General , Punjab, who has joined the proceedings through video conference, on the other hand, submits that in the disclosure statement of the co-accused, it has come on record that they purchased the intoxicant tablets from the petitioner and even the sale consideration of the contraband has been disclosed in the disclosure statement and therefore, the custodial interrogation of the petitioner is necessary to find out the source of the said contraband. Learned counsel for the State submits that the petitioner is also facing another case for violating the provisions of NDPS Act.

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

In the present case, the allegation against the petitioner is that during the investigation, it has come on record that the contraband recovered from the co-accused namely Pawan Kumar and Kuldeep Singh @ Mintu, was purchased from the petitioner. The source of the said contraband needs to be elicited during the investigation. Even the Hon'ble Supreme Court in the judgment titled as "State represented by CBI versus Anil Sharma, 1997(4) RCR (Criminal) 268, has held that in case where serious allegations have been alleged and the truth needs to be elicited from the accused, same can only be done through custodial interrogation as compared to questioning the suspect, who is already on anticipatory bail.

In the facts and circumstances of the case, in order to elicit the truth, the custodial interrogation of the petitioner is necessary. Keeping in view the fact that the drug menace is grappling the society and the same needs to be

ended at the earliest, no ground is made out for grant of anticipatory bail.

Petition is hereby dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

(HARSIMRAN SINGH SETHI)
JUDGE

October 28, 2021
sukhpreet

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