

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

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**CRM-M-45575 of 2021
Date of Decision : 01.11.2021**

Paramjit @ Goshan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gagandeep Singh, Advocate for
Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

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 respect of FIR No.178 dated 29.08.2021 registered under Sections 21, 21C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Dinanagar, District Gurdaspur.

Learned counsel for the petitioner argues that the petitioner was not named in the FIR and he has only been roped in the present FIR on the basis of the disclosure statement of the co-accused namely, Soma @ Billi. Learned counsel for the petitioner submits that the said disclosure statement is inadmissible in law and, therefore, the petitioner, who is ready to join and cooperate in investigation may kindly be granted the benefit of anticipatory

bail.

Learned State counsel on the other hand submits that though, the petitioner has been roped in the present FIR on the basis of the disclosure statement of a co-accused namely Soma @ Billi but, the said co-accused, from whom the contraband was recovered in her disclosure statement stated that the said contraband was purchased from the petitioner and as the source of the said contraband is yet to be established, the custodial interrogation of the petitioner is necessary. Learned State counsel further submits that the petitioner is a habitual offender as there are four other cases pending against him.

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

Keeping in view the facts and circumstances of the present case, where the source of the contraband recovered by the police is yet to be unearthed. As per the facts which have come on record during investigation, the co-accused namely, Soma @ Billi, from whom the contraband was recovered, has said that the same was purchased from the petitioner, the custodial interrogation of the petitioner is necessary to elicit the truth as to from where the petitioner got the same. It is not the case that the petitioner is facing such allegations for the first time as there are four other cases pending against her, which prima facie shows the antecedents of the petitioner.

Further, this is not a case, where allowing 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.

No ground is made out to grant the benefit of anticipatory bail to the petitioner.

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 case.

November 01, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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