

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104)

CRM-M-208-2022

Date of Decision : January 18, 2022

Resham Singh

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gurmeet Singh Saini, Advocate, for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

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.259 dated 13.09.2021 registered under Section 22 (c) of the NDPS Act, 1985 at Police Station Kalanwali, District Sirsa.

Learned counsel for the petitioner argues that the contraband was recovered from the co-accused Karamjit Singh alias Karma and Jaspal Singh, who were arrested along with 6500 intoxicating tablets and the petitioner has been roped in on the basis of the disclosure statement of the said co-accused wherein, it has been stated that the said contraband was given to them by the petitioner for selling. Learned counsel for the petitioner further submits that the disclosure statement of the co-accused carries no weight and hence, the petitioner, who is ready to join the

investigation and cooperate with the same, may kindly be extended the benefit of anticipatory bail.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State, on the other hand, submits that the petitioner has been named by the co-accused as the source from where the other two co-accused used to get the contraband for selling and thereafter money collected after selling these intoxicants used to be paid to the petitioner, hence, in the present case, the custodial interrogation of the petitioner is necessary to find out the truth as well as source from where the petitioner used to purchase the contraband.

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

Where a commercial quantity of contraband has been recovered and the allegations are that the said quantity of contraband has been received from another person so as to sell the same and to deliver back the resultant money, the interrogation of the said person needs to be effected in a manner that the Investigating Agency is able to elicit the truth behind the allegations. In the present case, the petitioner is accused of giving the contraband to the other two co-accused from whom it was recovered so as to sell the same and give him the resultant money.

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.

Keeping in view the facts and circumstances of this case, where the modus operandi and truth behind the selling of drugs is to be uncovered, the same can only be done through custodial interrogation.

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 the case.

January 18, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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