

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

CRM-M-14667-2023

Date of Decision: 10.05.2023

PURAN SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. R.K. Arya, Advocate
for Ms. Sukhveer Kaur, Advocate
for the petitioner.

Mr. Harjinder Singh Sidhu, A.A.G., Punjab.

HARSH BUNGER, J. (ORAL)

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, seeking anticipatory bail in case FIR No.0072 dated 21.02.2023, registered under Sections 21(b) and 29 of the Narcotic Drugs and Psychotropic Act, 1985 (for short 'NDPS Act), at Police Station City Faridkot, District Faridkot.

2. Upon Issuance of notice in this case, status report by way of an affidavit of Sh. Jasmeet Singh, PPS, Superintendent of Police, Sub Division Faridkot, District Faridkot, on behalf of respondent-State of Punjab, has been filed, which is already on record.

3. Briefly, the above said case FIR was registered on the complaint of one ASI Buta Singh, Police Station Faridkot, wherein it was stated that he along with the fellow employees was present on a government vehicle on patrolling duty in order to search the house of the suspects on dated 21.02.2023 and when they reached Govind Nagar, Gali

No.3, Bholuwala Road, Faridkot at around 2:45 p.m., then a hair cut young man, aged about 30-32 years was standing there by putting his hands in the pocket of his pant and after seeing the police party, he suddenly entered his house; whereupon, the complainant along with fellow employees chased him and reached his home, where the said man tried to throw something from his pocket; whereupon, he was apprehended and upon enquiry, he disclosed his name as Pipal Singh son of Sucha Singh. After following the procedure, the search was conducted and one envelope containing some intoxicant thing was recovered from the right pocket of his pant, which upon weighing, came out to be 100 grams *heroin*. Accordingly, the FIR in question was registered.

4. As per the status report, during investigation, Pipal Singh was interrogated and he suffered a disclosure statement that the *heroin* seized from his possession was brought by his brother-Puran Singh (petitioner) and was meant for further sale. Accordingly, the present petitioner-Puran Singh was nominated as additional accused vide DDR No.30 dated 23.02.2023.

5. Apprehending his arrest in this case, the petitioner applied for anticipatory bail before the learned Additional Sessions Judge, Amritsar; however, the same was dismissed vide order dated 04.03.2023 (Annexure P-2). Accordingly, the petitioner has filed the present petition under Section 438 Cr.P.C. seeking anticipatory bail.

6. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case as he has not been named in the FIR nor any specific role has been attributed to him. It is further submitted that the alleged recovery from Pipal Singh, falls under the category of non-commercial quantity and nothing is to be recovered from

the petitioner. It is also submitted that the petitioner is ready and willing to join investigation and also to comply with other conditions as may be imposed by this Court or the trial Court; accordingly, prayer for grant of anticipatory bail has been made.

7. Per contra, learned State counsel has opposed the prayer for grant of anticipatory bail to the petitioner on account of seriousness and gravity of the offence. While referring to para No.7 of the status report, it is submitted that the petitioner does not have clear antecedents and he is involved in three more cases. Para No.7 of the status report reads as under :-

7. *That the accused is a habitual offender. On being verified his criminal track record, he has found indulge in similar offence and following other FIRs are found registered against him :*

<i>Sr.No.</i>	<i>FIR No./Date</i>	<i>Police Station</i>	<i>Section</i>
<i>1.</i>	<i>23/27.02.2020</i>	<i>Sadar Faridkot</i>	<i>21 and 29 of the NDPS Act.</i>
<i>2</i>	<i>79/01.04.2021</i>	<i>City Faridkot</i>	<i>21 and 29 of the NDPS Act</i>
<i>3</i>	<i>105/23.03.2022</i>	<i>City Faridkot</i>	<i>21 of the NDPS Act</i>

8. Learned State counsel submits that the petitioner is an active drug peddler and hence, his custodial interrogation is required so as to find out as to who all are involved in this crime.

9. I have heard learned counsel for the parties and also gone through the paper book as well as the status report filed on behalf of the State of Punjab.

10. In the present case, the petitioner has been specifically named by his own brother-Pipal Singh, who was apprehended at the spot with 100 grams *heroin*. Moreover, the petitioner is involved in three more cases

under the NDPS Act.

11. In the instant case, there is nothing on record to enable this Court to record *prima facie* satisfaction for believing that petitioner is not guilty of the offence or that he will not commit any offence while on bail especially when the petitioner is involved in three more case under the NDPS Act.

12. 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 custodial interrogation.

13. 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 information.

14. Custodial interrogation of the petitioner is definitely required for complete and effective investigation to find out as to from where he had procured the contraband and who all are involved in this crime. 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.

15. Keeping in view the above facts and circumstances, the petitioner in the present case is not entitled for grant of anticipatory bail as no exceptional circumstance has been brought forth in that regard.

Accordingly, the present petition under Section 438 Cr.P.C. seeking grant

of anticipatory bail to the petitioner in case FIR No.0072 dated 21.02.2023, registered under Sections 21(b) and 29 of the NDPS Act, at Police Station City Faridkot, District Faridkot; is dismissed.

16. Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

May 10th, 2023
gurpreet

(HARSH BUNGER)
JUDGE

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