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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.33698 of 2024
Date of decision: 02.08.2024

Sukhchain Singh @ Chaini ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Parminder Singh Sekhon, Advocate,
for the petitioner.

Mr. Satjot Singh, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The petitioner is seeking concession of pre arrest bail in case arising out of FIR No.50 dated 10.06.2024 registered under Section 304 of IPC at Police Station Longowal, District Sangrur, on the basis of statement recorded by the complainant Sukhwinder Singh alleging therein that his son Jobanpreet Singh aged about 17 years was addicted to drugs. On 09.06.2024 at about 2:30 PM, the accused Daljit Singh @ Laddi and Chintu called his son from his house and he did not return during the night time. The complainant made inquiries on 10.06.2024 and came to know that the accused Daljit Singh and Chintu had brought his son along with them to the house of accused Daljit Singh wherein they

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had administered overdose of some narcotic substance/drug to him. On coming to know about this fact, the complainant rushed towards the house of accused Daljit Singh and on reaching there, he found his son to be lying alone in an unconscious state. He was taken to the hospital but was declared to be brought dead. His death had been caused due to overdose of drugs. He prayed for taking action against the culprits.

2. After registration of FIR, investigation proceedings have been initiated. The accused Daljit Singh was arrested on 10.06.2024. During interrogation, he suffered disclosure statement to the effect that the petitioner who used to sell drugs and himself consume the same, had given chitta (heroin) to him on 10.06.2024 and the co-accused Ritesh Bansal @ Chintu and himself had injected the same themselves and also to the victim Jobanpreet Singh. Accused Ritesh Bansal @ Chintu was arrested on 12.06.2024 who too suffered similar disclosure statement. The petitioner was nominated as an accused. Apprehending his arrest, he moved application for grant of anticipatory bail which had been dismissed by the Court of learned Additional Sessions Judge, Sangrur vide order dated 04.07.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. Therefore, it is

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urged that he deserves to be given benefit of pre arrest bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that there are specific and serious allegations against the petitioner as he administered/injected overdose of heroin to the son of the complainant with an intention to cause his death and while knowing that due to administration of such overdose the death of the victim could be caused and the same led to causing his death. The petitioner has criminal antecedents and since as many as ten criminal cases, three of which are under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985, have been lodged against him. His custodial interrogation is required for conducting thorough investigation in the matter as well as for eliciting the truth and knowing the source from where he used to receive supply of the contraband and about manner in which he sold the same. It is, urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

6. The petitioner is alleged to be engaged in the business of sale/supply of contraband heroin and is further alleged to have injected overdose of the same on the son of the complainant on the night of 09.06.2024 thereby causing his death. The allegations against the petitioner are quite serious in nature. For conducting thorough

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investigation in the matter, the custodial interrogation of the petitioner is must. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discussion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

02.08.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No