

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

**Criminal Misc. No. M-18230 of 2015(O&M)
Date of Decision: 28.5.2015**

Manoj

--Petitioner.

Vs.

State of Hayana

--Respondents.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Surinder Singh Duhan, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No. 81 dated 2.5.2015 under Sections 21/27-A/61/85 of the NDPS Act, registered at Police Station Pillu Khera, District Jind.

Learned counsel for the petitioner submits that this is the first FIR against the petitioner under NDPS Act. He has no connection in the crime in question. He further submits that earlier the petitioner was granted the concession of anticipatory bail and in compliance of the order of the learned Additional Sessions Judge, Jind, petitioner joined the investigation. However, learned Additional Sessions Judge dismissed the bail application of the petitioner only for the reason that he did not cooperate with the investigating agency, while not disclosing the source from where he was purchasing the contraband. He concluded by submitting that since the petitioner was not at all dealing with any kind of contraband, he did not want to implicate anyone falsely. He prays for allowing the present petition.

Having heard the learned counsel for the petitioner, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has not been found entitled for the concession of anticipatory bail, for the following more than one reasons.

It is a matter of record that earlier, as many as 11 FIR were registered against the petitioner. Learned counsel for the petitioner has submitted in this regard that petitioner has been acquitted in all the 11 FIRs and none of these FIRs was under NDPS Act. However, this fact alone is not sufficient to grant the discretionary relief of anticipatory bail to the petitioner. In fact, after having been granted interim anticipatory bail, petitioner was expected to cooperate with the investigating agency, but he failed to do so, thereby misusing the concession of interim anticipatory bail. Thus, conduct of the petitioner has made him disentitled for the discretionary relief, at the hands of this Court, as well.

In view of the above and without commenting upon the merits of the case, lest it should prejudice the rights of either of the parties, no case for anticipatory bail is made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

28.5.2015
AK Sharma