

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

CRM-M-33921 of 2016.

Decided on:-22.12.2016.

Dalbir.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (ORAL)

Petitioner, namely, Dalbir has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.485 dated 21.08.2016 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) registered at Police Station Ratia, District Fatehabad.

Learned counsel for the petitioner contends that allegation against the petitioner is that he ran away from the spot when a team consisting 5-6 police personnel was present in front of a marriage palace at village Mehmada for patrolling. It is practically impossible that the petitioner would have run away from the spot when a team of 5-6 police personnel was already present there. Therefore, the petitioner has been falsely implicated in the present case.

He further states that taking into consideration the alleged

quantity of contraband recovered from the petitioner, there is no bar to admit him on anticipatory bail as Section 37 of the NDPS Act is not applicable in the present facts and circumstances of the case. He also relies upon the judgment dated 29.01.2016 of this Court passed in **CRM-M-40 of 2016** titled as ***Chhinder Pal @ Chhindi and another Versus State of Punjab*** to contend that when the petitioner was not apprehended at the spot, even if there are cases against him, he is entitled to the relief of anticipatory bail.

Learned State counsel, on instructions from ASI Krishan Kumar, has furnished a list of cases registered against the petitioner. On the basis of said list, learned State counsel contends that besides the present case, the petitioner is involved in as many as 6 more cases out of which 2 cases were registered under the NDPS Act and 4 cases were registered under the Punjab Excise Act.

I have heard learned counsel for the parties.

The alleged recovery effected from the petitioner is of 460 grams of opium. While noticing the police, he ran away from the spot. The list of cases furnished by learned State counsel shows that the petitioner is a habitual offender.

Moreover, the judgment cited by learned counsel for the petitioner in ***Chhinder Pal @ Chhindi and another's case (supra)***, is of no help to the petitioner as in that case, even though there were two other cases against the petitioner under the NDPS Act, but he had already been acquitted in both of them. However, in the present case, perusal of the list of cases

furnished by learned State counsel reveals that in 4 cases registered under the Punjab Excise Act, the petitioner was convicted. Though in 1 case registered under the NDPS Act, he has been acquitted, but he is still facing trial in another case registered under the NDPS Act.

In view of the above, this Court does not find any merit in the present petition for anticipatory bail and the same is, accordingly, dismissed.

December 22, 2016

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No