

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

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CRM-M-38557-2017

Date of Decision: 12.10.2017.

Manna alias Kiran Bala

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Fariad Singh Virk, Advocate for the petitioner.

Ramendra Jain, J.(Oral)

Prayer in the instant petition under Section 438 of the Code of Criminal Procedure has been made for grant of anticipatory bail to the petitioner in case FIR No.131 dated 27.05.2017 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Division No.2, Ludhiana.

According to the prosecution, on 27.05.2017 two persons, namely, Rohit Kumar @ Shanky and Rajinder Kumar @ Billi, who is none else, but husband of the sister of the petitioner (Jija), were apprehended by the police. The intoxicant powder weighing 260 grams and 280 grams was recovered from their respective possession. During interrogation, they disclosed that the contraband was purchased by them from the petitioner.

Learned counsel for the petitioner inter-alia contends that the petitioner is not named in the F.I.R. The implication of the petitioner in the instant case, on the basis of disclosure statements by co-accused, is a very

weak type of evidence. Nothing has to be recovered from the petitioner.

After giving thoughtful consideration and going through the case file, this Court finds that the entire family of the petitioner might be involved in the smuggling of narcotics since last many years. Earlier, in the year 1987, mother of the petitioner, namely, Raj Rani, filed a Criminal Writ No.403 of 1987 for release of her husband, Brij Lal, in which enquiry was ordered to be conducted by learned Chief Judicial Magistrate, Ludhiana vide order dated 14.05.1987. Pursuant thereto, an enquiry report came in favour of the petitioner. Likewise, in the year 2014, the petitioner filed two habeas corpus petitions bearing CRWP No.1660 of 2013 and CRWP No.809 of 2014. Out of these two petitions, CRWP No.1660 of 2013 was disposed of on 13.05.2014 granting liberty to the petitioner to file representation before the Commissioner of Police, Ludhiana, whereas CRWP No.809 of 2014 was disposed of vide order dated 04.07.2011 for want of instruction.

Perusal of impugned order rejecting the anticipatory bail application of the petitioner shows that two cases against Suman Bala and ten cases against her husband, Rajinder Kumar, who is brother-in-law (Jija) of the petitioner, of similar nature are already pending against them.

In view of above, the petitioner does not deserve the concession of anticipatory bail and the petition is dismissed.

(RAMENDRA JAIN)
JUDGE

12.10.2017
jitender sharma

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No