

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

**Crl. Misc. No.M-50789 of 2018 (O&M)
Date of Decision: October 29, 2019.**

Karambir @ Nakli

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sandeep Kotla, Advocate
for the petitioner (s).

Mr. Munish Sharma, AAG Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.128 dated 09.07.2012 registered for the offence punishable under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short-NDPS Act), at Police Station Uchana, District Jind.

Heard.

Instant FIR was registered on the basis of secret information that Karambir @ Nakli is involved in trade of selling poppy-husk and if a raid is conducted at his house, heavy quantity of poppy-husk could be recovered.

Notice as per provisions of Section 42 of NDPS Act was sent

and a raiding party was prepared. On raid at the house of Karambir in

presence of Sarpanch Lillu Ram, 14 bags were recovered from the basement of the house, out of which 13 were containing poppy-husk and one was containing pieces of poppy-heads, total weighing 455 Kgs and 27 Kgs respectively.

Recovery in this case was effected in the year 2012 but the petitioner could not be arrested and was declared proclaimed offender vide order dated 06.03.2013. He was arrested in another case and was taken in custody in this case on 17.04.2018.

Learned counsel for the petitioner has argued that petitioner is resident of village Nandsa, Tehsil Sahara, District Bhilwara (Rajasthan). He has no concern with the house from where the recovery was effected. He has all his identity proofs of village Nandsa. In their affidavits, Udai Ram, Laxman Gadri and Ganesh Lal, have stated that petitioner was picked up from his house on 14.04.2018. Sarpanch Lillu Ram, in whose presence, the raid was allegedly conducted, has not been cited as prosecution witness and police do not have any documentary proof of ownership of petitioner regarding the house in question.

Learned State counsel submits that petitioner is involved in 10 cases, out of which he has been acquitted in four cases. Two cases against him are registered under the provisions of NDPS Act. After the registration of FIR in this case, he had evaded his arrest and in the meanwhile, got involved in other cases registered under the provisions of IPC and NDPS Act. The house in question is situated within '*Lal Dora*', as such, there could not be any documentary proof of ownership of petitioner over it. However, police has collected evidence of his title over the house, which is

part of challan. Raid was conducted in the presence of then Sarpanch Lillu Ram, who due to his political compulsion, had sidetracked and opted to be recused from being a prosecution witness. The antecedents of petitioner show his involvement in the trade of narcotics and that he is habitual offender.

Recovery effected in this case is of heavy quantity of narcotics. Though the petitioner has tried to present that he is resident of Rajasthan and has no concern with the house from where the recovery of narcotics was effected, he has not come up with any plea to prove his false implication in this case in the year 2012. At this stage, I find no reason to rely on the plea of learned counsel for the petitioner that petitioner is not owner of the house from where the recovery was effected in view of submission of learned State counsel that during investigation, evidence qua his ownership of the house from where the contraband was recovered, has been collected and is part of challan. He had also evaded his arrest for a period of about 6 years after the registration of present case.

This petition has no merits. Dismissed.

October 29, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***