

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

**(Proceedings conducted through video Conference)**

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CRM-M-22608-2020 (O&M)

Date of decision: 25.08.2020

KULDEEP @ KULDEEP SINGH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present : Mr. Vikas Bishnoi, Advocate for the petitioner.  
Mr. Sanjay Mittal, Addl. AG, Haryana.

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**REKHA MITTAL, J. (Oral)**

Apprehending his arrest in FIR No.102 dated 21.07.2020 registered under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the Act') (offence under Sections 15 and 27-A of the Act added later), Kuldeep @ Kuldeep Singh petitioner prays for grant of bail by invoking Section 438 of the Code of Criminal Procedure.

Counsel for the petitioner would argue that the alleged recovery of incriminating material namely 100 strips of tramadol hydrochloride tablets 100 mg and each strip containing 10/10 tablets total 1000 weighing 422 grams was effected from co-accused Rani who was travelling on motorcycle bearing No.HR-22-M-1532 driven by Lakhbir. It is further argued that the petitioner has been involved in the crime on the basis of disclosure statement made by co-accused Dharmender, indicted in the crime on the basis of disclosure statement made by the co-accused from whom the alleged recovery was effected. It is further argued that as per the disclosure statement allegedly made by Dharmender closely connected with accused Lakhbir's family, the contraband was purchased from the petitioner. It is argued that till date no other case under the Act has been registered against the petitioner. The last submission made by counsel is that petitioner has been falsely indicted in the crime as one of the family members of the petitioner contested election of Panch against a family member of accused Lakhbir @ Lakha.

Reply by way of affidavit of Birem Singh, Deputy

Superintendent of Police, Tohana received online is taken on record.

Counsel for the petitioner, by referring to aforesaid reply, would submit that averments in para 6 are not at all sufficient to controvert the allegations raised in para 4 of the petition as it was never pleaded by the petitioner that he contested election of Panch against either of the remaining accused namely Lakhbir or Rani or Dharmender. However, in support of his contention for grant of bail, he has relied upon orders passed by Co-ordinate Benches of this Court **Baldev Singh @ Deba Vs. State of Punjab, CRM-M-40514-2015, decided on 11.02.2016, Suman Bala Vs. State of Punjab, CRM-M-13332-2015 along with connected case, decided on 27.08.2015, Vikramjeet Singh Vs. State of Punjab, CRM-M-14649-2019, decided on 18.07.2019, Rachpal Singh @ Kala Singh Vs. State of Punjab, CRM-M-36598-2019, decided on 17.10.2019, Jagwinder Singh @ Bunti Singh Vs. State of Punjab, CRM-M-36935-2015, decided on 11.02.2016, Madan Lal Vs. State of Haryana, CRM-M-15891-2020, decided on 04.08.2020, Bhajan Singh Vs. State of Haryana, CRM-M-13251-2020, decided on 29.05.2020, Ramesh @ Ramesh Singh Vs. State of Haryana, CRM-M-17443-2020, decided on 06.07.2020 and Vikash Vs. State of Haryana, CRM-M-13783-2020, decided on 03.06.2020.**

Counsel representing State of Haryana would fairly concede that reply in para 6 filed by the State is not sufficient to controvert or admit the allegations raised in para of the petition. However, on instructions, he would state that none of the family members of the petitioner contested election of Panch against a family member of accused Lakhbir @ Lakha as has been alleged in para 4 of the petition. He would inform that a large number of criminal cases more particularly under the Act have been registered against mother and brothers of the petitioner, detailed in para 9 of reply. He would pray that custodial interrogation of the petitioner is required in respect of supply of commercial quantity of contraband eventually recovered from accused Lakhbir and Rani.

Be that as it may, petitioner raised allegations in para 4 of the petition as to the circumstances under which he has been indicted in the crime on the basis of statement of co-accused Dharmender, stated to be close acquaintance of accused Lakhbir @ Lakha. The allegations have been controverted by counsel representing the State who on instructions would

inform that none of the family members of the petitioner contested election of Panch against a family member of accused Lakhbir @ Lakha. The petitioner, in para 4 of the petition, has not even mentioned name of his family member and that of family of Lakhbir @ Lakha who contested elections of Panch against each other. These facts are sufficient to show that the petitioner raised false allegations and approached the Court with unclean hands, sufficient to disentitle him for indulgence of the Court in exercise of its discretionary jurisdiction. This fact also creates a doubt in the averments raised in para 4 of the petition.

Counsel for the petitioner has referred to certain orders passed by Co-ordinate Benches allowing benefit of bail in anticipation of arrest. Counsel for the petitioner has not made any submissions to draw similarity between facts of those cases vis-a-vis the facts of the case at hand. This apart, order of grant of bail in anticipation of arrest in some other case cannot be of precedential value for other case, to be examined in the light of its peculiar facts and circumstances. In view of the above and fact that petitioner is booked in a case involving commercial quantity of incriminating material, the petitioner is not entitle to concession of pre-arrest bail.

Dismissed.

25.08.2020

ashok

**(REKHA MITTAL)**  
**JUDGE**

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No