

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

CRM-M-35126-2020

Date of decision: November 03, 2020

Sher Singh alias Shera

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.S. Rai, Senior Advocate with
 Mr. D.S. Virk, Advocate
 for the petitioner.

Mr. Sumit Jain, Additional Advocate General, Haryana.
(through video conferencing).

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.145 dated 12.7.2020 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Cheeka, District Kaithal.

Counsel for the petitioner submits that as per the allegations in the FIR, Ramesh Kumar was arrested on 12.7.2020 at 6.00 a.m., whereas the two other accused, i.e. the petitioner and co-accused Ashok Kumar allegedly ran away from the spot. Counsel for the petitioner submits that 2½ hours prior to that, on receiving a call from the family members of Ashok Kumar that he has been picked up by the police, an e-mail was sent to the DGP and the same is pending investigation with the DSP. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case.

Counsel for the petitioner has also relied upon an order dated 21.9.2020 passed in CRM-M-28739-2020 vide which co-accused Ashok Kumar was granted the concession of anticipatory bail.

A perusal of this order dated 21.9.2020 shows that Ashok Kumar was granted anticipatory bail on three counts; firstly, that he had placed reliance on some toll plaza receipts to show that at the relevant time he was at away place; secondly, he is having some physical disability as he had met with an accident and had multiple fractures, as per his medical record and is unable to run. Thirdly, that there was a dead end of the street from where it was not possible to escape.

In reply, the learned State counsel has, however, opposed the prayer on the ground that the petitioner is involved in three FIRs, in which 03 kgs, 500 grams and 450 grams of opium was recovered on different occasions.

Learned State counsel has further submitted that in one of the i.e., FIR No.118 dated 1.7.2018, the petitioner already stands convicted, whereas he is facing trial in two other cases and, therefore, there is no occasion to exercise the discretion to grant anticipatory bail to the petitioner.

After hearing counsel for the parties and considering the antecedents of the petitioner and in view of the fact that the petitioner stands convicted in one of the case under the NDPS Act and his case is distinguishable from the case of co-accused-Ashok Kumar, I find no ground to grant the concession of anticipatory bail to the petitioner.

Resultantly, the present petition stands dismissed

(ARVIND SINGH SANGWAN)
JUDGE

November 03, 2020
satish

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No