

CRM-M-37126 of 2020

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-37126 of 2020

Date of decision: 11.11.2020

Kuldeep

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. R.S.Mamli, Advocate, for the petitioner.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Prayer in the petition is for grant of anticipatory bail to the petitioner in case FIR No.0046 dated 04.03.2020 (Annexure P-1) registered under Section 21(b) of [Narcotic Drugs and Psychotropic Substances Act, 1985](#) (hereinafter referred to as “NDPS Act”) (Section 27-A of NDPS Act subsequently added), at Police Station Sadar Ratia, District Fatehabad.

Counsel for the petitioner has urged that 7.50 grams of heroin was recovered from the co-accused Deepak Kumar and Tarsem Singh, who were riding a motorcycle. According to the counsel, name of the petitioner was mentioned by the co-accused in their disclosure statement. By making a reference to para 12 of the petition, counsel for the petitioner has asserted as under:-

“12. That the petitioner is not involved in any other case under NDPS Act and no case under NDPS Act is pending or

decided against the petitioner.”

Notice of motion.

On asking of the Court, Mr. Rajiv Sidhu, Deputy Advocate General, Punjab, who is available on conference call, accepts notice on behalf of the respondent-State. Advance copy of the petition has already been served upon him.

Upon instructions from SI Om Parkash, State counsel submits that there are two other cases pending against the petitioner under the provisions of the NDPS Act, which the petitioner has not disclosed. The details of the cases are as follow:-

- 1) *FIR No.109 dated 21.05.2019 registered under Sections 18 and 21 of NDPS Act, at Police Station Adampur.*
- 2) *FIR No.348 dated 28.12.2018 registered under Section 21 of NDPS Act, have been wrongly mentioned) at Police Station Adampur.*

Faced with the facts revealed by the State, counsel for the petitioner has sought withdrawal of the petition.

Permission to withdraw the petition is declined. Rather, as the petitioner has approached this Court with tainted hands, tried to mislead the Court and has suppressed his antecedents, the petition is dismissed.

November 11, 2020
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

Yes