

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.202

CRM-M-9872-2021

Date of decision: 11.11.2021

Rajesh Kumar @ Vicky Hathori

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. B.S. Bhalla, Advocate, for the petitioner.

Ms. Gunkirat Kaur, Asstt. A.G., Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.48 dated 16.02.2021, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) at Police Station Salem Tabri, District Police Commissionerate Ludhiana.

Briefly stated, the case of the prosecution is that the police received information with regard to selling of heroin by the petitioner and his co-accused – Mani Verma. Acting on such information, the FIR in question was registered and a police party went to raid the petitioner's shop. The petitioner and his co-accused were found standing in the front of the petitioner's shop. On seeing the police party, they threw a polythene bag and attempted to run away. After a chase, though co-accused – Mani Verma was apprehended, the petitioner succeeded in fleeing from the spot. In the polythene bag thrown by the accused 35 gms of heroin was found. On being interrogated, co-accused – Mani Verma disclosed that he and the

petitioner used to sell heroin from the petitioner's shop and that while fleeing from the spot the petitioner had taken 65 gms of heroin with him.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case for the reason that the petitioner's daughter had filed a complaint against the SHO of the area and that the only evidence against the petitioner is an alleged disclosure statement of a co-accused made by him in police custody which has no evidentiary value.

As per the status report filed by the State, the petitioner has faced/is facing the following criminal cases:-

<i>Sr. No.</i>	<i>FIR No. & Date</i>	<i>Under Sections</i>	<i>Police Station</i>	<i>Stage of trial</i>
1	FIR No.205 dated 15.10.2006	324, 323, 34 IPC	Salem Tabri, Ludhiana	Trial Pending
2	FIR No.191 dated 16.08.2008	379 IPC	Salem Tabri, Ludhiana	Trial Pending
3	FIR No.56 dated 27.03.2021	25 of the Arms Act	Salem Tabri, Ludhiana	Convicted on 28.03.2016 for RI for two years and fine
4	FIR No.322 dated 02.12.2015	61-1-14 of Excise Act	Salem Tabri, Ludhiana	Convicted on 05.04.2017 but released on probation bonds
5	FIR No.247 dated 10.10.2016	61-1-14 of Excise Act	Salem Tabri, Ludhiana	Convicted on 05.04.2017 but released on probation bonds
6	FIR No.184 dated 29.07.2019	22 of the NDPS Act	Salem Tabri, Ludhiana	Trial is pending and in this regard 12 grams heroin and Rs.65000/- drug money was recovered from the petitioner
7	FIR No.286 dated 23.10.2020	21/61/85 of the NDPS Act	Salem Tabri, Ludhiana	Under investigation

Thus, it is clear that the petitioner is not just a habitual offender but has also violated the terms of bail on several occasions.

In the present case the allegations against the petitioner are of

dealing in heroin.

In view of the above, no ground for grant of anticipatory bail to the petitioner is made out.

Dismissed.

November 11, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No