

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 213

CRM-M-21689-2020

Date of decision : 13.12.2021

Harbhajan Singh

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.K.P.S.Virk, Advocate, for the petitioner.  
Mr.Kanwar Sanjeev Kumar, AAG, Haryana.

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DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.152 dated 25.07.2020 registered under Sections 20/25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act), at Police Station City Safidon, District Jind.

When ASI Vinod Kumar and other police officials were on patrol duty they received an information that the petitioner sells narcotics and that since other cases were pending against him he was doing so by keeping such narcotics in the house of Ikram son of Khalil. For letting him store the narcotics in his house, the petitioner was giving food items to Ikram. Acting on such information, the police raided the house of Ikram and recovered 3.520 kgs of *ganja patti*. Ikram was arrested and his interrogation revealed that the recovered narcotics had been stored in his house by the petitioner. Accordingly, the petitioner was nominated as an accused in the aforesaid FIR in which he seeks anticipatory bail.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; 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; no recovery of any narcotics has been made from the petitioner; under the interim order passed by this Court the petitioner has already joined investigation and cooperated with the same and that the petitioner is also suffering from paralysis of the left side of his body.

Admittedly, in addition to the present case, the petitioner already stands convicted in another case under the NDPS Act which involved recovery of 7.400 kgs of *ganja patti* and that he faces another case under the NDPS Act where 694 grams of *ganja* was recovered. Thus, the petitioner is not only a habitual offender but has also violated the terms of bail granted to him on at least two occasions.

Further, in the present case, the allegations against the petitioner are that because he was involved in two other cases under the NDPS Act he had stored the recovered narcotics in the house of co-accused Ikram from where they were recovered.

In view of the criminal antecedents of the petitioner and the serious allegations in the present case of recovery of 3.520 kgs of *ganja patti* belonging to the petitioner from co-accused Ikram's house, this Court is of the opinion that the petitioner does not deserve the concession of anticipatory bail.

Dismissed.

13.12.2021  
shamsher

[DEEPAK SIBAL]  
JUDGE

|                           |   |          |
|---------------------------|---|----------|
| Whether speaking/reasoned | : | Yes / No |
| Whether reportable        | : | Yes / No |