

101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28127-2021
Date of Decision: 22.07.2021

SALEEM

....Petitioner

Versus

UNION OF INDIA

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Gaurav Sethi, Advocate for the petitioner
Ms.Gurmeet Kaur Gill, Senior Panel Counsel for NCB

Deepak Sibal, J. (Oral)

Case taken up through Video Conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in Crime No.69 of 2020 dated 17.12.2020 under Sections 8, 20 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Ladwa, District Kurukshetra.

For the relief claimed in the present petition the petitioner had earlier approached this Court through CRM-M-1763-2021 – Saleem vs Union of India which petition of his was dismissed on 19.01.2021 through the following order:-

“The arguments raised on behalf of the petitioner having not received a favourable response from the Bench and not to invite a decision on merits lest it may prejudice the case of the petitioner at a later stage, learned counsel for the petitioner seeks to withdraw the present petition.

Permitted to do so.

Dismissed as withdrawn.”

A perusal of the afore quoted order reveals that the pleas raised

on behalf of the petitioner having not received a favourable response from the Bench and only to prevent taking an order on merits lest it may prejudice the case of the petitioner at a later stage, learned counsel appearing for the petitioner had sought withdrawal of his petition and taking a lenient view in the matter he was permitted to do so.

After the dismissal of his first petition the petitioner has again approached this Court for the same relief which was denied to him earlier on the ground that the investigation qua his co-accused is complete and that no recovery is to be made from him.

The ground of no recovery from the petitioner was available to him at the time his first petition for anticipatory bail was dismissed. It is not a subsequent event.

Completion of investigation with regard to his co-accused is no ground to grant anticipatory bail to the petitioner as the investigation qua him is still pending. Rather, the investigation to decipher the role of the petitioner, if any, is yet to begin because in spite of issuance of five notices and non-bailable warrants the petitioner has failed to join the investigation.

In view of dismissal of the petitioner's earlier petition for anticipatory bail; there being no subsequent event warranting interference; the evasive conduct of the petitioner and because he is accused of having supplied 2 kgs. of *Charas* to the main accused – Raja Ram, no ground is made out for grant of anticipatory bail to the petitioner.

Dismissed.

22.07.2021

gk

(Deepak Sibal)
Judge

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No