

CRM-M-1154-2022

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

CRM-M-1154-2022

Date of decision: 17.01.2022

Jatinder Kumar

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. S.S.Rana, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this second petition, the petitioner seeks anticipatory bail in case bearing FIR No.76 dated 02.11.2021, registered at Police Station Aur, District S.B.S.Nagar, under Section 21 NDPS Act, 1985.

Learned counsel for the petitioner contends that the petitioner was not arrested at the spot and has been indicted on the basis of the disclosure statement of co-accused, Des Raj @ Pardesi, from whom the alleged recovery of 1 kg of heroin, containing in a bag, had been effected. He further contends that no recovery had been effected from the conscious possession of the petitioner and there is now no other case pending against him.

I have heard the learned counsel for the petitioner.

This is the second petition for the grant of anticipatory bail to the petitioner, the first one having been dismissed on 20.12.2021, by noticing that the petitioner was involved in other cases under NDPS Act.

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In the present case, co-accused Des Raj @ Pardesi was arrested at the spot, alongwith heroin weighing 01 kg, and on whose disclosure statement, the petitioner was inducted in the present case.

A perusal of para No.6 of the petition itself, would show that the petitioner stands convicted in FIR No.128 dated 03.07.2015, Police Station Goraya, Jalandhar, and FIR No.452 dated 27.12.2017, Police Station Phillaur. Although, as stated by learned counsel for the petitioner, the recovery effected in both these cases, was of 'small quantity' and in the present case, the petitioner was not arrested at the spot, yet the fact remains that the petitioner has a tendency of committing repeated crime under the NDPS Act. In such circumstances, this Court finds that the custodial interrogation of the petitioner is required. In the considered opinion of this Court, the purpose of investigation would stand defeated by allowing the petitioner to join investigation, especially keeping in view his antecedents. Moreover, the criminal antecedents of the habitual offender(s) like the petitioner, which shatter the very tranquility of the collective, do not entitle him to be enlarged on bail.

On a specific query put to the learned counsel for the petitioner, he has failed to show any substantial change in circumstance. Moreover, the specious reason of change in circumstances cannot be invoked for successive anticipatory bail application, once it is rejected by a speaking order. Reference may be made to the judgment dated 28.01.2021 rendered by the Hon'ble Supreme Court in SLP (Crl.) No.213 of 2021, titled as 'G.R.Ananda Babu Vs. State of Tamil Nadu & Another'.

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In view of the above, I do not find it a fit case where the petitioner is entitled to the benefit of anticipatory bail.

Therefore, finding no merit in the present petition, the same is dismissed.

17.01.2022

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No