

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38945-2021 (O&M)
Reserved on: 08.04.2022
Pronounced on: 13.05.2022

Varun Malik
...Petitioner(s)
Versus
State of Punjab
...Respondent(s)

CORAM: **HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present:- Mr. Gursimran Singh, Advocate
 for the petitioner.

 Mr. Tanvir Joshi, AAG, Punjab.

 Ms. Anupama Kalia, Drug Inspector in person.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
46	25.5.2021	Division No.4, Jalandhar	22, 61, 85 NDPS Act

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, has come up before this Court under Section 439 of Code of Criminal Procedure, 1973 (CrPC) seeking bail.
2. As per paragraphs 16 and 17 of the bail application, the petitioner explicitly declares as under:
- “[16].That there is no other FIR is pending against the petitioner except the present FIR in which the petitioner is seeking bail.
- [17]. That as per the instructions supplied to the undersigned counsel, there is no FIR pending or registered under the NDPS Act against the Petitioner and that the Petitioner is not declared as proclaimed offender in any case.”
3. Paragraph 7 of the reply dated 6-12-2021, filed by Assistant Commissioner of Police, Central Jalandhar reads as follows:
- “7. That following other FIR has been registered absent petitioner: -

- i. FIR No. 72 dated 24-05-2021 u/s 22 NDPS Act P.S. Div No. 3 Jallandhar in which 290 intoxicant tablet and 600 intoxicant capsules were recovered.”

4. A perusal of declaration made in paragraphs 16 & 17 of the bail petition reveals that the petitioner tried to give an impression of clean antecedents; whereas he had faced one similar case under NDPS Act, as mentioned in the reply. The reply was filed last year, and the petitioner did not explain the disclosure and the reasons for making a wrong declaration with a view to secure bail.

5. Given above, the petitioner fails to make out a case unless he discloses the true and complete particulars about his criminal antecedents, including the quantity involved in NDPS cases, which are pending or in which he stands convicted. Be that as it may, the petitioner shall be at liberty file separate bail petition mentioning complete criminal history. The dismissal of the present petition shall not come in his way while filing new petition.

6. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed in aforesaid terms with liberty reserved. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

May 13, 2022
AK

Whether speaking/reasoned:
Whether reportable:

Yes
No.