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

CRM-M-41732-2021

Date of decision: 14.01.2022

Devi Lal @ Babbu

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Parvesh Sachdeva, Advocate for the petitioner.

Mr. Amit Mehta, Senior Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

[1] Due to COVID-19 situation, the Court is convened through video conference.

[2] This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 165, dated 17th July, 2021 under Sections 15, 22 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act') (Section 29 of the Act was enhanced later on), registered at Police Station City Jalalabad, District Fazilka.

[3] There was recovery of 240 intoxicating tablets and 650 grams of poppy husk from Pritpal Singh. The petitioner was named in the disclosure statement as a supplier of the recovered narcotic substances.

[4] The petition was filed pleading in paragraph 17 that neither any FIR was registered against the petitioner nor he was declared proclaimed offender. On 5th October, 2021, the petitioner was granted interim anticipatory bail in the present FIR.

[5] Paragraph 17 of the petition is reproduced:-

“17. That there is no other FIR registered against the petitioner except as per asking of petitioner nor the present petitioner had been declared P.O. in the said FIR or in any other FIR.”

[6] On 5th January, 2022, learned State counsel informed that petitioner was involved in two other FIRs. Firstly, FIR No. 9, dated 11th January, 2017, under Section 22 of the Act, registered at Police Station City Jalalabad, District Fazilka wherein he was convicted for six months and imposed fined and secondly FIR No. 158, dated 3rd December, 2017, under Sections 452, 323, 334 IPC, registered at Police Station City Jalalabad, District Fazilka. Learned counsel for the petitioner took time to have instructions and in the meantime, order granting interim anticipatory bail was vacated.

[7] Today, learned counsel for the petitioner submits that he was not given any instruction by the petitioner with regard to his involvement in other FIRs.

[8] Considering the fact that petitioner has withheld relevant facts and has not approached this Court with clean hands, no case is made out for grant of pre-arrest bail.

[9] The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

14th January, 2022

pankaj baweja

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No