

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

CRM-M-40981-2022

Date of Decision: 8.9.2022

Ranjit

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:-HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr.Parminder Singh, Advocate for the petitioner

Mr.Tanuj Sharma, AAG, Haryana

...

The petitioner has approached this Court by filing this petition under Section 438 of the Cr.P.C. for grant of anticipatory bail to him in FIR No.217 dated 3.6.2022 under Sections 18/29 of the NDPS Act registered at Police Station Nissing, District Karnal.

Learned counsel for the petitioner contends that the name of the petitioner was not mentioned in the FIR. He was also not found present at the spot of alleged recovery. His name came to be surfaced on the disclosure statement of co-accused Suresh. There is no other evidence to connect the petitioner with the present crime.

On the contrary, learned counsel for the State submits that the petitioner is a habitual offender as he has been involved in six other criminal cases, including three cases of NDPS Act and in three cases, he has already been convicted and sentenced.

I have heard learned counsel for the parties and perused the paper-book.

510 grams of pium have been recovered from the main accused- Suresh on whose disclosure statement the petitioner has been made an accused in the present FIR. The petitioner is already involved in six criminal cases which are as under:-

1.FIR No.298 dated 29.7.2000 under Section 15 of the NDPS Act, PS Assandh, Karnal

2.FIR No.462 dated 28.8.2002 under Section 61 of the Excise Act, P.S.Assandh, Karnal

3.FIR No.48 dated 28.8.2000 under Section 15 of the NDPS Act, P.S. Assandh, Karnal

4.FIR No.201 dated 25.5.2004 under Sections 302, 201/34 of the IPC, P.S. Assandh, Karnal (already convicted and sentenced).

5.FIR No.231 dated 23.6.2004 under Section 15 of the NDPS Act, P.S. Assandh, Karnal (already convicted and sentenced)

6.FIR No.390 dated 13.7.2013 under Sections 8, 9 Prisoner Act P.S. Assandh, Karnal (already convicted and sentenced).

This Court cannot overlook and slur over the criminal antecedents of the petitioner. Investigation is still going on and, therefore, custodial interrogation of the petitioner is necessary for finding out the modus operandi of commission of offence and for recovery of the countraband. It is settled proposition of law that power exercisable under Section 438 of the Cr.P.C. is somewhat extraordinary in character and it is to be exercised in exceptional cases. This view of mine finds support from the judgment of Hon'ble Supreme Court in **Madhya Pradesh vs. Pradeep**

Sharma, (2014) 2 SCC 171.

In this view of the matter, I find that this is not a fit case for grant of anticipatory bail to the petitioner. The petition is dismissed.

(ASHOK KUMAR VERMA)
JUDGE

8.9.2022
MFK

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>