

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

101

CRM-M-43412-2022

DECIDED ON: 28th OCTOBER, 2022

RAVI KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Simranjit Singh Sarwara, Advocate for
Mr. Amit Puri, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The instant petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in case FIR No. 162, dated 30.07.2022, under Sections 20 and 29 of NDPS Act, registered at Police Station Kotwali, District Patiala.

Learned counsel for the petitioner has vehemently argued that the petitioner was not named in the FIR and has been implicated merely on the basis of disclosure statement of Nisha (wife of the petitioner) from whom 500 gms of Ganja was recovered. It is asserted that no recovery is to be affected from the petitioner. Even otherwise it is a non-commercial quantity of the contraband. He points out that vide order dated 09.08.2022 the co-accused Nisha has been granted regular bail by the Court below.

Notice of motion.

On the asking of Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of respondent-State, he on instructions from ASI Kuldeep Singh, submits that the petitioner is involved in smuggling and illegal

Haryana. It has further been brought to the notice of this Court that petitioner is also involved in two other cases, out of which one is of the similar nature and another is under Section 379-B IPC, which are still pending adjudication.

Be that as it may, this Court is of the considered view that since the petitioner is a habitual offender and keeping in view the fact that there is another case under NDPS Act pending against the petitioner and has been roped in the present FIR on the basis of disclosure statement of none other than his own wife. It cannot be said that the petitioner has been falsely implicated in the present case. As far as the contention with regard to the quantity of contraband being non-commercial is concerned, it is to be examined and seen in the totality of the facts of the case and the background of the accused, who is a habitual offender, so does not deserve any concession and exercise of discretionary powers even though the quantity of contraband is non-commercial. The disclosure statement made by the wife of the petitioner at this stage cannot be said to be non trustworthy, as there is no reason for her to implicate her own husband. The investigation is still under progress.

In view of discussions made hereinabove, the present petition stands dismissed.

(SANDEEP MOUDGIL)
JUDGE

28th OCTOBER, 2022

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