

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

**CRM-M-46754-2022
Date of Decision: October 12, 2022**

Laxman Ram

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Amit Choudhary, Advocate,
for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

SANJAY VASHISTH, J.

1. Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Sections 22(b) and 27(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in a case arising out of FIR No. 451, dated 24.08.2022, registered at Police Station Sadar, District Fatehabad.

2. Learned counsel for the petitioner submits that as per the case of prosecution, on 23.08.2022, accused Lakhbir Singh @ Kala and Parshant Kumar @ Santu, were apprehended by the investigating agency and recovery of 50 injections of Tramadex, containing 2 ML each, and 10 strips of Clonazepam, weighing 19.25 grams (alongwith weight of 10 strips) were effected from Swift Desire car, which was being driven by co-accused Lakhbir Singh @ Kala. Alongwith the said contraband, currency notes of Rs.29,000/- were also recovered.

3. Learned counsel for the petitioner further submits that during course of investigation, it transpired that said contraband was purchased from shop of Manjeet Singh, who is proprietor of Guru Ram Dass Medical Agency, Fatehabad. During investigation, bank account details of Lakhbir Singh @ Kala were checked and it was found that Laxman Ram (petitioner herein) has transferred an amount of Rs.1,70,025/-, from 01.03.2022 to 23.08.2022, in the bank account of co-accused Lakhbir Singh @ Kala.

4. With the background of aforementioned facts, learned counsel for the petitioner submits that neither petitioner is named in the FIR nor any recovery has been effected from him. There is no admissible evidence till date with the investigating agency, showing direct or indirect involvement of the petitioner in the matter, therefore, he deserves concession of anticipatory bail in the present case.

5. On being supplied advance copy of the present petition to the State of Haryana, Mr. Ashish Yadav, Additional Advocate General, Haryana, caused appearance and on instructions from ASI Jasbir Singh, learned State counsel submits that petitioner was in regular contact with co-accused Lakhbir Singh @ Kala through telephonic conversation (373 times). He further submits that during the course of investigation it is also found that for the last several months and on different occasions, amount was being credited by petitioner directly in the account of co-accused Lakhbir Singh @ Kala. Not only this, learned State counsel also points out that present petitioner is involved in two other similar cases

under NDPS Act.

6. I have heard learned counsel for both the sides and gone through the material available on record with their able assistance.

7. There is no merit in the present petition. Looking at the aspect that petitioner is in direct contact for a long time and is also transferring amount in the account of co-accused Lakhbir Singh @ Kala, coupled with the fact that he is involved in two other cases also, under the provisions of the NDPS Act, granting concession of anticipatory bail to the petitioner, would be nothing but misuse of provisions of law. Therefore, I do not deem it appropriate to extend the benefit of anticipatory bail to persons having antecedents like the petitioner.

8. Dismissed.

9. It is, however, made clear that the observations made here above, shall not be construed as an expression of opinion on the merits of the case because, the same have been made only for the purpose of deciding present petition for anticipatory bail, and the trial Court shall decide the case on the basis of evidence available on record.

(SANJAY VASHISTH)
JUDGE

October 12, 2022

Pk Kapoor

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**