

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

(Sr. No. 102)

**CRM-M No. 9891 of 2023
Date of decision : 24.02.2023**

Pargat Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Dheeraj Narula, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.635 dated 29.11.2022 registered under Section 15(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) at Police Station Rania, District Sirsa.

Briefly stated, the case of the prosecution is that 3.4 kilograms poppy straw was recovered from the illegal possession of co-accused Sandeep who on being interrogated disclosed that the recovered drug had been purchased by him from the petitioner.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the only evidence against the petitioner is in the form of a disclosure statement by a co-accused in police custody which has no evidentiary value; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the recovery from the co-accused is of a quantity which is not classified as “commercial quantity” and that the

petitioner is also ready and willing to join and cooperate with the investigation.

Learned State counsel, who appears on advance notice, seeks dismissal of the petitioner's plea for anticipatory bail on the ground that the petitioner is involved in sale/purchase of drugs and presently faces 03 other cases under the NDPS Act .

Learned counsel for the parties have been heard and with their able assistance the record of the case has been perused.

The petitioner is allegedly involved in the sale/purchase of drugs. In addition to the present case, 03 other criminal cases under the NDPS Act are also pending against him. Thus, on at least three occasions the petitioner has violated the terms of bail. The petitioner has also not come to this Court with clean hands as in the present petition he has disclosed the factum of only one more case pending against him and has withheld from this Court the pendency of two other cases.

In view of the above, this Court is of the opinion that the petitioner does not deserve to be granted the concession of anticipatory bail.

Dismissed.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

24.02.2023

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No