

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

102

CRM-M-18686-2023

Date of decision: 18.04.2023

Gurcharan Dass @ Jassa

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Navneet Jindal, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.11 dated 14.02.2023 under Sections 15(b) and 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Rori, District Sirsa.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been nominated as an accused in the case in hand on the basis of a disclosure statement suffered by co-accused Jaspreet Singh from whom the alleged recovery of 6.32 grams of heroin and 1 kg 50 grams of doda post was effected. He submits that evidentiary value of the disclosure statement on the basis of which the petitioner is being sought to be made an accused is of a weak nature. Learned counsel further submits that the petitioner is a 72 year old man and thus it cannot be believed that he could have been involved in any criminal case much less in a case under the NDPS Act moreso as he is facing age related problems. He submits that the petitioner is ready to join

investigation and cooperate with the investigating agency and still further in the above circumstances, custodial interrogation of the petitioner is not required.

3. Notice of motion.

4. On asking of the Court, Mr. Rahul Mohan, DAG, Haryana accepts notice on behalf of the respondent-State.

5. Learned State counsel on instructions has apprised the Court that the petitioner is a habitual offender and his custodial interrogation would be required moreso since he had supplied the recovered contraband to his son i.e. co-accused Jaspreet Singh.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. The co-accused from whom the alleged contraband was effected is none other than the son of the petitioner. As per the disclosure statement made by co-accused Jaspreet Singh, both he as well as his father i.e. the petitioner had been involved in the sale of narcotic substances and the recovered contraband had been supplied to him by the petitioner himself. No doubt, the recovered substance does not fall within the commercial quantity, however, this Court cannot ignore the fact that the petitioner is seemingly a habitual offender as it is a matter of record that he was earlier also involved in 04 cases under the NDPS Act and one case under Section 307 of the IPC and 25/54/59 of the Arms Act, 1959.

8. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

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9. Dismissed.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

18.04.2023
Vinay

(MANJARI NEHRU KAUL)
JUDGE

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