

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

246

CRM-M-26607-2023

Date of Decision: 31.05.2023

Mandeep @ Huka

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. V.B. Godara, Advocate for the petitioner.

Mr. Munish Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J.(Oral)

Third petition under Section 439 Cr.P.C. has been filed seeking regular bail in case FIR No. 271 dated 16.08.2022, under Section 21 (b), 29 of NDPS Act, registered at Police Station Bhuna, District Fatehabad.

Learned counsel for the petitioner *inter alia* submits that a false case had been planted upon the petitioner on the basis of the disclosure statement allegedly suffered by Balwinder @ Sonu from who recovery of 7.50 grams of Heroin was effected. Learned counsel further submits that the petitioner has now been in custody since 05.09.2022 and there is no possibility of the trial concluding in the near future as only charges stand framed. It has been further submitted that the petitioner is not involved in any other case under the NDPS Act.

On a pointed query put to the learned counsel for the petitioner as to what was the change in circumstances after the withdrawal of the second petition on 22.03.2023 wherein similar relief had been sought, he submits that besides the long custody period of the petitioner none of the 17 prosecution witnesses cited have been examined so far.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite has submitted that no doubt the recovery of contraband effected did not fall under the commercial quantity, however, the petitioner was a man of criminal antecedents and it was a matter of record that he was involved in the following 16 cases registered under different sections of IPC:

- 1) "FIR No.488 dated 17.01.2023 U/s 147, 148, 325, 323 IPC PS Bhuna*
- 2) FIR No 51 dated 16.03.17 U/s 174A IPC PS Uklana*
- 3) FIR No. 77 dated 18.03.09 U/s 379 IPC PS Uklana*
- 4) FIR No 255 dated 19.08.09 U/s 457, 380 IPC PS City Tohana*
- 5) FIR No 03 dated 04.01.11 U/s 457, 380 IPC Pundri*
- 6) FIR No 368 dated 12.12.12 U/s 174-A IPC PS Uklan*
- 7) FIR No. 21 dated 20.02.14 U/s 379 IPC PS Uklana*
- 8) FIR No. 288 dated 10.11.14 U/s 174-A IPC PS Siwani)*
- 9) FIR No. 91 dated 27.04.15 U/s 379 IPC PS Siwani*

*10)FIR No. 97 dated 18.06.16 U/s 454,380 IPC
PS Ding*

*11)FIR No. 141 dated 19.05.18 U/s 149,148,34,
323, 452, 307 IPC PS Bhuna*

*12)FIR No. 222 dated 22.06.2019 U/s 454, 380
IPC PS Bhuna*

*13)FIR No. 311 dated 31.08.2019 U/s 302, 307
,149 , 148 IPC PS Ajad Nagar*

*14)FIR No 54 dated 16.03.2017 U/s 174-A IPC
PS Uklana*

*15)FIR No. 73 dated 12.04.2017 U/s 174-A
IPC PS Swani*

*16)FIR No. 95 dated 01.05.2014 U/s 174-A
IPC PS Siwani*

Learned State counsel has however not disputed that the petitioner is not involved in any other case under the NDPS Act, he however submits that seeing to the antecedents of the petitioner more so as there are seven cases registered under Section 174-A IPC against the petitioner there could be a likelihood that in case he is enlarged on bail he could yet again abscond and be involved in some other criminal cases.

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

No doubt the petitioner has been nominated as an accused pursuant to a disclosure statement allegedly suffered by co-accused/Balwinder @ Sonu, however, this Court cannot ignore the criminal antecedents of the petitioner as admittedly he had absconded not once but as many as seven times during the pendency of various

criminal cases which he had been facing before different Courts in Haryana.

Thus, the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of regular bail to the petitioner and the present petition is dismissed.

[MANJARI NEHRU KAUL]
JUDGE

May 31, 2023
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Whether speaking/reasoned	Yes
Whether reportable?	Yes/no