

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

102

CRM-M-26828-2023

Date of decision: 26.05.2023

Mohit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Davinder Pal Soni Jaura, 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.310 dated 10.05.2023 under Sections 21B/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act'), registered at Police Station City Sirsa, District Sirsa.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand on the basis of a disclosure statement allegedly suffered by co-accused Ajay from whom the recovered contraband (17.60 grams of heroin) was effected. Learned counsel submits that the evidentiary value of such disclosure statement is admittedly of a weak nature. He further submits that the petitioner has clean antecedents as he is not involved in any other case under the NDPS Act.

3. Notice of motion.

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

5. Learned State counsel has opposed the prayer and submissions made by the counsel opposite. He, on instructions from

ASI Krishan Kumar, PS City Sirsa, submits that it is a matter of record that the petitioner has criminal antecedents which also find reflected in para No.12 of the petition. It has further been submitted by learned State counsel that no doubt the petitioner was nominated as an accused on the basis of a disclosure statement made by co-accused Ajay, however, the fact of the matter is that the petitioner had committed the offence in question, after he was convicted in two cases, one under the Arms Act, 1959, and another under Sections 323/341/506/34 of the IPC. Learned State counsel submits that the offence in question had been committed when the petitioner was on bail and hence it was evident that he had misused the said concession.

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

7. The petitioner seems to be a habitual offender as he is involved in a number of criminal cases. Not only this, the petitioner committed the offence in question, after he was released on bail in the other criminal case pending against him. In view of the criminal antecedents of the petitioner, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

8. Dismissed.

9. 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.

26.05.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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