

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

214

CRM-M-34366-2023 (O&M)

Date of Decision: 07.08.2023

SANDEEP KUMAR @ SANDEEP GHINTALA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. DS Virk, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Additional AG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through the instant petition, the petitioner seeks anticipatory bail in case bearing FIR No.341 dated 26.06.2023, registered under Sections 17-B, 27, 61 and 85 of the NDPS Act, at Police Station Rania, District Sirsa.

Status report by way of an affidavit dated 02.08.2023 of the Deputy Superintendent of Police, Sirsa, District Sirsa, filed on behalf of the respondent-State, in the Registry, is taken on record. Copy whereof has been supplied to the learned counsel opposite.

Learned counsel for the petitioner submits that the petitioner was not arrested from the spot; that the petitioner has been indicted on the basis of the disclosure statement of the co-accused and that the alleged recovery of 100 gram opium was effected from Gurvinder Singh, who has further disclosed that he had purchased the same from the petitioner and co-accused, namely, Jagga Singh @ Jaggi. He further

submits that the recovery effected in the present case is a non-commercial quantity and that the provisions of Section 37 NDPS Act are not attracted. Still further, it is submitted that though there are three more cases registered and/or pending against the petitioner, yet the fact remains that the recovery effected in the said cases was of non-commercial quantity and the petitioner is on bail.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner is a habitual offender, inasmuch as, there are three more cases registered and pending against the petitioner under the NDPS Act, though the recovery effected in the said cases was non-commercial quantity. The details of the said cases are as under:-

- i) *'FIR No.408 dated 24.09.2021, under Sections 21 of the NDPS Act, registered at Police Station Rania, District Sirsa. Fixed for prosecution evidence.*
- ii) *FIR No.201 dated 05.05.2022, under Section 21-B of the NDPS Act, registered at Police Station Rania, District Sirsa. Fixed for framing of charge.*
- iii) *FIR No.112 dated 04.03.2020, under Section 21 of the NDPS Act, registered at Police Station Rania, District Sirsa. Fixed for prosecution evidence'.*

I have heard the learned counsel for the parties.

As noticed above and as per para 12 of the petition itself, there are three more cases registered and/or pending against the petitioner, under the NDPS Act, though in the said cases, the petitioner is

stated to be on bail. Thus, it is clear that the petitioner is a person with criminal antecedents. Moreover, having had his complicity in the repeated offence, the petitioner cannot seeks the concession of anticipatory bail, which of course, if granted would pave a way to him to involve himself in another similar offence.

Therefore, finding no merit in the present petition, the same is dismissed.

07.08.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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