

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

CRM-M No.44609 of 2023

Date of decision: 6th September, 2023

Krishan Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vivek K. Thakur, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail in FIR No.220 dated 23.07.2023 for the offences under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Ram Nagar, District Karnal (Annexure P-1).

2. Learned counsel inter alia contends that the petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Shahzad Ali, from whom recovery of 1.740 kgs of Opium was effected. Learned counsel submits that not only is the evidentiary value of such a disclosure statement of a weak nature, but even the recovery allegedly effected from the co-accused was not classified as commercial but fell under the intermediate quantity. He submits that it is thus, evidently a case of false implication. On a pointed query put to the learned counsel for the petitioner qua his criminal antecedents, he has fairly admitted that the petitioner was involved in

four other cases including three under the NDPS Act, besides the present one, and another case stood registered against him under Section 174-A IPC. However, he submits that in one of the cases i.e. FIR No.182 of 2017 under Sections 15 & 25 of the NDPS Act, since prosecution had failed to prove its case, the petitioner had been acquitted. Learned counsel further submits that in the other two cases, which are pending against the petitioner under the NDPS Act, there too he had been nominated as an accused on the basis of a disclosure statement made by the co-accused. He thus, submits that it is evidently a case wherein the petitioner has been falsely implicated. In support, he has placed reliance upon **‘Vijay Singh vs. State of Haryana’ Special Leave to Appeal (Crl.) No.1266/2023 d/d 17.05.2023**, wherein in almost identical facts, the petitioner had been extended the concession of anticipatory bail.

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

4. Admittedly, in the case in hand, the petitioner was not apprehended at the spot, however, at the same time, this Court cannot ignore that it was pursuant to a secret information received, the police party intercepted the co-accused and recovered the contraband in question. Still further, pursuant to the arrest of the co-accused, from whom alleged recovery of contraband was effected, a disclosure statement was suffered wherein the accused specifically named the petitioner as being the person who had supplied the recovered contraband. All this needs to be appreciated in the light of the fact that in

the other two cases registered against the petitioner under the NDPS Act also, the petitioner had been nominated as an accused on the basis of a disclosure statement, wherein also it had been stated that the recovered contraband had been supplied to him by the petitioner.

5. In the circumstances, prima facie it indeed comes across that the petitioner is a habitual offender and has been a supplier of contraband to the other persons, who are a part of the drug racket. Besides, this Court can also not lose sight of the fact that the petitioner was admittedly declared a proclaimed offender, as a result of which an FIR under Section 174-A IPC stands registered against him. Hence, this Court has no hesitation to observe that in case the petitioner is extended the extraordinary concession of anticipatory bail, he could yet again be involved in some other criminal case under the NDPS Act, or even abscond as is evident from his antecedents. The petition stands dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

September 6, 2023
rps

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