

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. No.104

CRM-M-45927-2023
Date of decision:14.09.2023

RAJESH JAIN @ MUNNA JAIN
...Petitioner
Versus
STATE OF HARYANA
...Respondent(s)

CORAM: HON’BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mrs. Savita Sanghi, Advocate and
Mr. Aditya Sanghi, Advocate,
for the petitioner.

N.S. SHEKHAWAT, J.

1. Petitioner prays for grant of pre-arrest bail in FIR No.548 dated 01.09.2023 registered under Sections 21(b)/61/85 of the NDPS Act at Police Station City Mandi, Dabwali, District Sirsa.
2. Learned counsel for the petitioner contends that as per the case of the prosecution, on 01.09.2023, co-accused Arvind @ Rahul Jain was arrested by the police, as he was found in possession of 6 grams of heroin, which was wrapped in a glazed paper without any permit or licence and accordingly, the above-said FIR under Section 21 of the NDPS Act was registered against him. She further contends that even though the petitioner has been named in the present case, but he was nominated as an accused only on the basis of the statement made by co-accused Arvind @ Rahul Jain in police custody. She next contends that except the said mentioning of

name, there is no other evidence against the present petitioner and he has

2023:PHHC:121020

been falsely involved. She next submits that the veracity of the statement made by co-accused Arvind @ Rahul Jain is yet to be tested during the course of trial. She also submits that the petitioner has been falsely involved in other cases earlier also in the same police station and he is being victimised by the local police.

3. I have heard the learned counsel for the petitioner and perused the case file.

4. From the perusal of the case file, it is apparent that the petitioner was found involved in following three more cases:-

- (i) FIR No.360 dated 24.09.2023 registered under Section 21 of the NDPS Act at Police Station Mandi Dabwali;
- (ii) FIR No.504 dated 21.12.2018 registered under Section 21 of the NDPS Act at Police Station Mandi Dabwali;
- (iii) FIR No.368/2023 registered under Sections 25/54/59 of the Arms Act at Police Station Ding Sirsa.

5. On an advance notice, Mr. Rajinder Kumar Banku, DAG, Haryana, has put in appearance on behalf of the respondent-State and submitted that apart from the above mentioned three FIRs, 8 more FIRs have been registered against the present petitioner. He further submits that the petitioner is a habitual supplier of drugs in the area and thus, his custodial interrogation is required.

6. After hearing the learned counsel for the parties and keeping in view the facts and circumstances of the present case, this Court is not

inclined to grant the concession of anticipatory bail to the petitioner and thus, the instant petition is hereby dismissed.

(N.S. SHEKHAWAT)
JUDGE

14.09.2023
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO