

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46251-2023
Decided on : 17.10.2023

Lakhwinder Singh @ Lucky Kang

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. AG, Punjab.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No.261 dated 15.10.2022 under Sections 21/29 of NDPS Act registered at P.S. STF District SAS Nagar Mohali.

2. This Court while issuing notice of motion on 15.09.2023 had noticed the following contentions made by the learned counsel for the petitioner:

“Learned counsel for the petitioner inter alia contends that no doubt a secret information was indeed received qua the petitioner's and his nephew Karan's involvement in the sale of heroin, however, for 09 months neither was any raid conducted at his house much less any recovery effected. It was much later one Gurpreet Singh was apprehended by the police who also did not name the petitioner but named 03 other persons who were his accomplices in the business of heroin. Learned counsel submits that it is thus, evident that the petitioner is being implicated in the case in hand because of his involvement in 04 other cases under the NDPS Act,

wherein it was a matter of record that the recovery effected was of 'small quantity'.”

3. On the last date of hearing, it had been submitted by learned State counsel on instructions that it had been concealed from this Court by the petitioner that he was involved in as many as 7 cases under the NDPS Act and hence, it had been prayed that extra-ordinary concession of anticipatory bail be not extended to the petitioner, who was a habitual offender and had close links with the drug mafia.

However, learned counsel for the petitioner prayed for short adjournment to verify the authenticity of the submissions made by the State counsel qua his antecedents.

4. Learned counsel for the petitioner has submitted that no doubt, the petitioner was involved in seven cases under the NDPS Act, however, it was a matter of record that the petitioner had been acquitted in two of those cases while other cases were still pending against him. Learned counsel has thus, submitted that there was no concealment made by the counsel qua the pendency of the cases under the NDPS Act against him. It has also been submitted that in all other four cases, which are pending against the petitioner, he has since been enlarged on bail.

5. Learned State counsel has yet again prayed for dismissal of the instant petition as the custodial interrogation of the petitioner is required in the wake of his criminal antecedents. Learned State counsel has also asserted that since the petitioner has been yet again involved in a case under the NDPS Act after he was extended the concession of bail in other cases registered under the NDPS Act, it was clear that he had misused the said concession of bail.

6. Heard learned counsel for the parties and perused the relevant material on record.

7. The petitioner, *prima facie*, comes across as being a habitual offender and apparently seems to be having close links with drug mafia. In the circumstances, more so, when he has been specifically named in the secret information received by the police, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner. Accordingly, the present petition stands dismissed.

8. 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

17.10.2023

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