

CRM M-49565-2023 (O&M)

**222 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-49565-2023 (O&M)

Date of Decision: 02.11.2023

Giyan Khan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. K.S. Brar, Advocate,
for the petitioner.

Mr. C.L. Pawar, Addl. AG, Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail in FIR No. 116 dated 29.08.2023 registered under Sections 21 & 29 of NDPS Act, 1985 at Police Station Cantt. Bathinda.

2. Learned counsel for petitioner contends that petitioner has been falsely implicated in the present case. Also contends that he has been nominated on the basis of disclosure made by co-accused Gurjit Singh @ Happy.

3. Per contra, learned State counsel while opposing the bail application submits that 1.027 gram Heroin was recovered from the co-accused. Petitioner is a habitual offender and is involved in three other cases of similar nature. His role is to be investigated by the Police and his custodial interrogation would be very much necessary.

4. Heard learned counsel for the parties and perused the paper book.

5. It transpires that contraband i.e. 1.027 gram Heroin was recovered from accused Gurjit Singh @ Happy. Petitioner is facing two other FIRs under

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the NDPS Act and third one under the Arms Act, the detail of which is given in para No.6 of the petitioner and the same is as under:-

- “(a) FIR No. 122 dated 14.08.2022 registered under Section 21 of NDPS Act at Police Station Cantt, Bathinda.
- (b) FIR No. 89 dated 19.05.2020 registered under Sections 21 & 22 of NDPS Act at Police Station Cantt, Bathinda.
- (c) FIR No. 106 dated 11.09.2019 registered under Section 25 of Arms Act at Police Station Cantt, Bathinda.”

From the above, it is clear that petitioner is a habitual offender and his custodial interrogation would be very much necessary to go to the root of the matter.

6. In view of the above and keeping in view the antecedents of the petitioner, this Court does not deem it appropriate to grant the concession of pre-arrest bail to the petitioner: thus; there is no option except to dismiss the present petition.

7. Ordered accordingly.

8. It is made clear that nothing expressed here-in-above shall be construed as an expression of opinion on the merit of the case.

02.11.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No