

CRM M-52022-2023 (O&M)

224 IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM M-52022-2023 (O&M)  
Date of Decision: 02.11.2023

Ramesh .....Petitioner

Versus

State of Haryana .....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ashok K. Sharma Bhana, Advocate,  
for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

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. 110 dated 16.04.2023 registered under Section 15(b) and 18(c) of NDPS Act, 1985 at Police Station Uklana, District Hisar.

2. Status report by way of affidavit of Sh. Ashok Kumar, HPS, Deputy Superintendent of Police, Hisar-I filed on behalf of respondent No.1-State is taken on record.

3. Registry to tag the same at appropriate place.

4. 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 Roht. Reliance is placed on order dated 12.01.2028 passed in CRM-M-6872-2017 titled as *Vijay Kumar Vs. State of Haryana*.

5. Per contra, learned State counsel while opposing the bail application submits that 32 grams opium & 8 kg, 300 grams poppy husk were

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recovered from the co-accused. Petitioner is a habitual offender and is involved in five other cases under the IPC. His role is to be investigated by the Police and his custodial interrogation would be very much necessary.

6. Heard learned counsel for the parties and perused the paper book.
7. As per status report dated 01.11.2023 filed by State of Haryana, petitioner is facing five other criminal cases which reads as under:-

| Sr. No. | FIR No. | Date       | Sections                    | Police Station   | Status                             |
|---------|---------|------------|-----------------------------|------------------|------------------------------------|
| 1.      | 227     | 03.09.2018 | 160 IPC                     | Sadar Narwana    | Fine Rs.100 on 12.03.2022          |
| 2.      | 266     | 27.10.2017 | 323, 341, 147, 149, 506 IPC | Sadar Narwana    | Acquitted on 10.03.2023            |
| 3.      | 360     | 12.12.2018 | 323, 34, 506 IPC            | City Narwana     | Prosecution evidence               |
| 4.      | 176     | 13.07.2019 | 170, 341, 384 IPC           | Sadar Narwana    | Acquitted on 09.01.2020            |
| 5.      | 629     | 29.12.2020 | 365, 379-B, 506, 511 IPC    | Sadar Tauru, Nuh | Arguments on charges on 22.11.2023 |

8. Perusal of the aforesaid report reveals that petitioner is a habitual offender as he is facing five other cases under the IPC.
9. In *Vijay Kumar’s case (supra)*, the FIR was registered under Section 364-A IPC and the contention before the Court was that petitioner was being repeatedly roped in multiple FIRs. The petitioner therein was acquitted in 22 FIRs, however, in the present case, the offence is under the NDPS Act; thus, the facts of the cited case are distinguishable from the facts & circumstances of present case.

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10. 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.
11. Ordered accordingly.
12. 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**