

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

CRM-M No.57921 of 2023

Decided on:28.11.2023

Makhan Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jagjit Singh Gill, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. Reply filed by way of affidavit of Gurdial Singh, HPS, Deputy Superintendent of Police, Kalanwali, District Sirsa on behalf of the respondent-State is taken on record.
2. Learned counsel for the petitioner has approached this Court for grant of anticipatory bail to the petitioner in FIR No.211 dated 26.10.2023 registered under Section 21 (b) of the NDPS Act at Police Station Baragudha, District Sirsa.
3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is implicated in the present case on the basis of disclosure statement suffered by the co-accused. No recovery was effected from the petitioner. It is further contended that in most of the cases registered against the petitioner, he has been acquitted. Furthermore, the alleged contraband recovered from the co-accused was 10.05 grams of heroine, which falls within the ambit of non-commercial quantity and therefore, the petitioner is entitled for concession of anticipatory bail.
4. Per contra, learned State counsel submits that the petitioner has been convicted in as many as 31 cases out of total 52 cases registered against him and

in many cases, he was acquitted by giving benefit of doubt. The petitioner is a habitual offender and therefore, his custodial interrogation is required.

5. Having heard learned counsel for the parties and after perusing the paper book, this Court is not inclined to grant anticipatory bail to the petitioner. The petitioner is a habitual offender, who is involved in 52 cases and in majority of cases he was convicted. Implication of the petitioner in the present case on the basis of the disclosure statement itself is not sufficient ground to entitle him concession of anticipatory bail. This Court is of the opinion that his custodial interrogation would be required to ascertain the source from where he acquired the seized contraband. During investigation, it has been found that co-accused has purchased the contraband from the petitioner. Consequently, the instant petition stands dismissed.

(HARPREET SINGH BRAR)
JUDGE

November 28, 2023

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No