

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101

CRM-M-2390-2024

Date of decision: 24.01.2024

Suresh @ Checha

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rahul Sidher, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.105 dated 04.05.2023 under Sections 18(b), 18(c), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act'), registered at Police Station Sadar Narwana, District Jind.

2. Learned counsel for the petitioner *inter alia* contends that a false and fabricated case has been planted upon the petitioner even though as per the admitted case of co-accused Rajbir and Dilawar from whom the alleged recovery of 1 kg 740 grams and 4 kgs. 664 grams of opium respectively was recovered, had categorically stated that the recovered contraband belonged to them only. Learned counsel submits that as per the allegations levelled in the FIR the petitioner fled away on the motorcycle on seeing the police party and furthermore came to be nominated as an accused subsequently on the basis of a disclosure statement allegedly made by co-accused Dilawar, who stated that the recovered contraband was to be supplied to the petitioner. A prayer has,

therefore, been made to extend the extraordinary concession of anticipatory bail to the petitioner as the evidentiary value of such disclosure statement is admittedly of a weak nature.

3. Notice of motion.

4. On asking of the Court, Ms. Trishanjali Sharma, DAG, Haryana, accepts notice on behalf of the respondent-State.

5. Learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. She, on instructions from ASI Hemraj, has apprised the Court that a specific secret information had been received against all the accused including the petitioner and it was only thereafter a naka was raised and the accused intercepted by the police party, however, the petitioner succeeded in fleeing away from the spot on the motorcycle on which he had come riding along with co-accused Dilawar. Learned State counsel has further submitted that the petitioner is a man of criminal antecedents as he is involved in another case under the NDPS Act on which he was on bail; thus, it is evident that he had misused the concession of bail granted to him in the previous case registered against him under the NDPS Act.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. Prima facie the petitioner's involvement in the sale and purchase of opium cannot be ruled out in view of a specific secret information having been received qua him coupled with the alleged disclosure statement made wherein yet again co-accused Dilawar nominated the petitioner and attributed a role to him in the sale and

purchase of opium. It is a matter of record that the petitioner was on bail in the other case registered against him under the NDPS Act. Hence, the petitioner has seemingly misused the said concession. In the facts and circumstances, no ground is made to extend the extraordinary concession of anticipatory bail to the petitioner.

8. Accordingly, the instant petition is hereby dismissed.

9. 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.

24.01.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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