

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203

CRM-M-5755-2021

Date of decision: 26.02.2024

State of Haryana

.....Petitioner

Versus

Ashok Kumar

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rahul Mohan, Sr. DAG, Haryana
for the petitioner.

Mr. Gautam Dutt, Advocate
for the respondent.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition is for cancellation of bail granted to the respondent-accused by this Court vide order dated 21.09.2020, in case FIR No.145 dated 12.07.2020 under Section 18 of the NDPS Act, registered at Police Station Cheeka, District Kaithal.

2. In compliance of order dated 15.02.2024, status report by way of affidavit of Kuldeep Singh, HPS, Deputy Superintendent of Police, Guhla, District Kaithal, has been filed in the Court, which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned State counsel while seeking the cancellation of bail which had been granted to the respondent-accused vide order dated 21.09.2020 passed by a Coordinate Bench of this Court, has submitted that a specific secret information had been received qua the involvement of the respondent-accused in the sale and purchase of

narcotic substances. Pursuant to the secret information received, a huge recovery of 31 kgs of opium was effected from the house of the co-accused, however, the respondent-accused managed to flee away from the spot. While drawing the attention of this Court to the order dated 21.09.2020 (Annexure P-2), passed by a Coordinate Bench of this Court, it has been further submitted that the liberty had been granted to the State to approach this Court for cancellation of the bail of the respondent-accused in case he was found misusing the said concession or was involved in any other criminal case. Learned State counsel has apprised this Court that after the respondent-accused had been granted the concession of bail vide order dated 21.09.2020, it came to light that he was involved in another case bearing FIR No.11 dated 16.05.2020 under Sections 08/18/25/296/60(3) of the NDPS Act, registered at Police Station NCB Lucknow, in which yet again a huge recovery of 91 kgs of opium had been effected; the accused therein had categorically in his disclosure statement named the respondent-accused and stated that the seized opium was to be delivered to the respondent-accused. Learned State counsel has asserted that the involvement of the respondent-accused in the other cases under the NDPS Act had been withheld from this Court when he had approached this Court by way of CRM-M-28739-2020. It has been further submitted that it is a matter of record that proceedings under Section 82 of the Cr.P.C. had been initiated against him on 27.04.2023. In support, learned State counsel has drawn the attention of this Court to the zimni orders annexed as Annexures R-1 to R-25 with the affidavit filed today in the Court. It has still further been submitted that not only had the respondent-accused

concealed the factum of his involvement in another case under the NDPS Act, however, it was yet again a matter of record that as recently as on 04.11.2023 another case under Sections 18/22 of the NDPS Act had been registered against the respondent-accused at Police Station Kotwali Patiala in the State of Punjab. A vehement prayer has been made that in the aforementioned facts and circumstances, the concession of bail granted to the respondent-accused deserves to be cancelled.

4. Learned counsel appearing for the respondent-accused has submitted that he has been falsely implicated in all the cases, however, he has not been able to controvert that besides the FIR in question, FIR No.11 dated 16.05.2020 was registered against him under the NDPS Act at NCB Lucknow and another case in the State of Punjab.

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

6. A perusal of the material on record reveals that not only did the respondent-accused misrepresent and concealed the factum of his involvement in another case under the NDPS Act wherein also a huge recovery of 91 kgs of opium was effected but it is evident that he has misused the concession of bail granted to him by this Court vide order dated 21.09.2020 as he has yet again been involved as an accused in a case under the NDPS Act in the State of Punjab. Prima facie, the respondent-accused comes across as a habitual offender as his involvement in cases under the NDPS Act is writ large.

7. In view of the the criminal antecedents of the respondent-accused, the instant petition is allowed and the bail granted to him vide

order dated 21.09.2020 is hereby cancelled.

8. The respondent-accused is directed to surrender before the learned Trial Court on or before 04.03.2024, failing which the learned Trial Court shall take necessary steps to secure his presence.

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.

26.02.2024	(MANJARI NEHRU KAUL)
Vinay	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No