

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.5180 of 2024

Date of decision: 6th February, 2024

Vishal alias Kattu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Umesh Aggarwal, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail in FIR No.372 dated 11.12.2023 for the offences under Sections 21(b), 25, 29, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station B-Division, District Police Commissionerate Amritsar.

2. Learned counsel inter alia contends that the petitioner was neither named in the FIR in question nor was he in close vicinity to the spot, from where the alleged contraband, i.e. 100 grams of Heroin, was recovered from the three co-accused. He submits that the petitioner came to be nominated as an accused pursuant to a disclosure statement allegedly suffered by co-accused, from whom the alleged recovery was effected. Learned counsel submits that the evidentiary value of such a disclosure statement is of a weak nature and hence, the petitioner deserves to be extended the concession of anticipatory bail.

3. Notice of motion.

4. Mr. Arun Luthra, Dy. Advocate General, Punjab who is present in Court, accepts notice on behalf of the State.

5. Learned State counsel has opposed the prayer and submissions made by the counsel opposite. It has been submitted, on instructions, by the learned State counsel that the petitioner is a man of criminal antecedents as he is involved in eight other criminal cases including cases under the NDPS Act. On further instructions, he has submitted that the crime in question was committed while the petitioner was on bail in the other cases, which already stood registered against him.

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

7. It is evident that the petitioner is a man of criminal antecedents and seemingly a habitual offender. In the circumstances, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner in the instant case.

8. 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.

(MANJARI NEHRU KAUL)
JUDGE

February 6, 2024
rps

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