

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

104

CRM-M-5816-2024

Date of decision: 05.02.2024

Mandeep Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Raman Chawla, 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.354 dated 18.04.2023 under Sections 21-B of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Sadar Hisar, District Hisar.

2. Learned counsel for the petitioner *inter alia* contends that he is innocent and has been falsely implicated in the instant case for allegedly being found in possession of 10.37 grams of heroin. While drawing the attention of this Court to the FIR which has been annexed as Annexure P-1, it has been further submitted that an unbelievable version has been brought forth by the police that on seeing the police party he threw the plastic bag containing contraband and escaped. Learned counsel has asserted that it is highly improbable that he could have managed to escape from the spot in the presence of the police. It has been still further submitted that even otherwise the recovery allegedly effected has been classified as non-commercial under the NDPS Act.

3. On a pointed query put to the learned counsel as to whether

the petitioner has any criminal antecedents, he has fairly submitted that the petitioner is indeed involved in other criminal cases however, at the same time he submits that in some of the cases which were previously registered against him, he has been acquitted.

4. I have heard learned counsel and perused the relevant material on record.

5. A perusal of the FIR reveals that a specific secret information was received qua the involvement of the petitioner in the crime in question. Pursuant to the secret information the police came to the spot, however, the petitioner on seeing the police coming, managed to flee from the spot but not before throwing the contraband which was in a plastic bag. This Court cannot also turn a blind eye to the petitioner's involvement in as many as 17 other criminal cases and furthermore, it is also a matter of record that he stands convicted in 05 of those criminal cases. Still further, the crime in question was committed when the petitioner was on bail in the other criminal cases pending against him. In the facts and circumstances, the petitioner, prima facie, comes across as a man of criminal antecedents for which he does not deserve the extraordinary concession of anticipatory bail.

6. Accordingly, the instant petition is hereby dismissed.

7. 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.

05.02.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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