

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

103

2024:PHHC:016757

CRM-M-6372-2024

Date of decision: February 7th, 2024

Jaswinder Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Usha Rani, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in case FIR No.302 dated 28.11.2023 under Section 15(c) of the NDPS Act, 1985 (Sections 29 of the NDPS Act and Section 201 of the IPC added later on), registered at Police Station Ismailabad, District Kurukshetra.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has clean antecedents and has been falsely implicated in the case in hand on the basis of a disclosure statement suffered by co-accused Sandeep Shukla. It has been submitted that a recovery of 1 quintal, 25 kilograms of poppy husk was effected from co-accused Jagjeet Singh @ Jeetu and Jagpreet Singh @ Jagga pursuant to a secret information received. Learned counsel has submitted that the evidentiary value of the disclosure statement suffered by the co-accused is very weak and his innocence stands fortified as he is not involved in any other case under the NDPS Act.

3. Notice of motion.

4. On the asking of the Court, Mr. Rahul Mohan, Senior Deputy Advocate General, Haryana, accepts notice on behalf of

the respondent.

5. Learned State counsel while opposing the prayer and submissions made by the counsel opposite has submitted that the petitioner was a supplier of the contraband, which had been recovered from co-accused Jagjeet Singh @ Jeetu and Jagpreet Singh @ Jagga. It has further been submitted that the petitioner has not approached this Court with clean hands and it is factually incorrect that the petitioner has clean antecedents and is not involved in any other case. Learned State counsel, on instructions, has informed the Court that one other case under the NDPS Act stands registered against the petitioner in the State of Rajasthan and which was registered prior in time to the case at hand.

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

7. The petitioner has evidently misused the concession of bail, which had been granted to him in the previously instituted criminal case against him under the NDPS Act in the State of Rajasthan. Hence, he does not deserve to be extended the extraordinary concession of anticipatory bail as he *prima facie* comes across as a habitual offender.

8. The instant petition stands 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.

February 7th, 2024

Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No