

105 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9193-2024

Decided on:-21.02.2024

Harmesh Kumar @ Meshi

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kanwaljeet Singh, Advocate for the petitioner.

Mr. Kewal Singh, Addl. A.G., Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.208, dated 31.10.2023, registered under Section 15 of the NDPS Act, 1985 (Section 29 of NDPS Act added later on), at Police Station Sadar Khanna, Police District Khanna, District Ludhiana.
2. As per the allegations levelled in the FIR, the petitioner has been implicated being owner of the vehicle from which, the alleged recovery was effected.
3. Learned counsel for the petitioner submits that in the present case recovery already stands effected and thus, the custodial interrogation of the petitioner is not required, at this stage. He also submits that the petitioner is being implicated as the owner of the vehicle in question whereas, as per the records, the same does not belong to him and thus, implication of the petitioner in the present case is wholly uncalled for.

4. On the other hand, learned State counsel vehemently opposes the prayer made on behalf of the petitioner while referring to the antecedents of the petitioner, who is also involved in two more cases of NDPS Act i.e. FIR No.204 of 2018 and FIR No.102 of 2023, both registered at Police Station Maachhiwara.

5. I have heard learned counsel for the parties and gone through the paper book.

6. A perusal of paper book shows that in para 10 of the petition, it has been specifically mentioned that no other FIR is pending against the petitioner especially under the NDPS Act whereas, as per the information provided by learned State counsel, he is involved in two more cases of NDPS Act, thus, there has been material concealment on the part of petitioner while approaching this Court for the purpose of availing the benefit of anticipatory bail.

7. Keeping in view the fact that the involvement of the petitioner is based on an affidavit vide which the vehicle in question was purchased by the petitioner from which the contraband was recovered as well as his antecedents of being involved in two more cases of similar nature and also the impact of the offence on the society at large as well as the fact that the recovery is of commercial quantity, in the humble opinion of this Court, present is not a fit case where the discretion needs to be exercised in favour of the petitioner for granting the benefit of anticipatory bail. Resultantly, finding no merit in the present petition, the same is hereby dismissed.

8. Considering the fact that there has been material concealment on the part of the petitioner in the present petition, a costs of Rs.10,000/- is

CRM-M-9193-2024

imposed upon him, to be deposited with the District Legal Services Authority, Ludhiana within a period of 15 days from today and in case, the same is not deposited within said period, the same be recovered as arrears of land revenue by the concerned Deputy Commissioner in accordance with law at the earliest.

21.02.2024
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(HARKESH MANUJA)
JUDGE

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