

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.13368 of 2024

Date of decision: 15th March, 2024

Deepak @ Deepu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ojas Bansal, Advocates for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.56 dated 07.02.2024 under Sections 21(b), 29, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Mandi Dabwali, District Sirsa.

2. Learned counsel for the petitioner inter alia contends that he has been falsely implicated in the present case, as the alleged recovery of 13 grams of Heroin (intermediate quantity) was effected from the co-accused and not him. It has been further submitted by the learned counsel that on being arrested, the co-accused, during his interrogation allegedly suffered a disclosure statement, wherein he falsely nominated the petitioner as the person through whom he had procured the recovered contraband. Learned counsel has argued that the evidentiary value of such a disclosure statement is of a weak nature and

inadmissible; hence, he deserves to be extended the concession of anticipatory bail.

3. I have heard learned counsel for the petitioner and perused the relevant material on record.

4. Admittedly, the petitioner is involved in one other case under the NDPS Act, in which he is on bail. No doubt, the recovered contraband from the co-accused is less than the commercial quantity prescribed under the Act, however, this Court cannot turn a blind eye to the criminal antecedents of the petitioner; this Court can also not ignore the fact that the petitioner has been involved in the present FIR while he was on bail in the other case registered against him under the NDPS Act. Prima facie, it is evident that the petitioner has misused the concession of bail granted to him in the other case lodged against him under the NDPS Act. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. The petition stands dismissed.

5. 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

March 15, 2024
rps

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