

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.13957 of 2024
Date of decision: 18th March, 2024

Sikandar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ankit Kharbanda, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.0014 dated 30.01.2024 under Sections 21(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the Act added later on) registered at Police Station Maqboolpura, District Amritsar.

2. Learned counsel inter alia contends that the false implication of the petitioner in the case in hand is evident from the fact that neither was he present along with the co-accused, from whom a recovery of 110 grams of Heroin was effected, nor was it the case of the prosecution that he was anywhere in the vicinity when the co-accused was apprehended along with the recovered contraband. Learned counsel submits that it is evidently a case of false implication

which needs to be appreciated in the light of the fact that he came to be nominated as an accused only on the basis of a disclosure statement allegedly suffered by co-accused Manoj Kumar Sachdeva, from whom the alleged recovery was effected. He has thus, urged that in the aforementioned facts and circumstances, keeping in view the fact that the evidentiary value of a disclosure statement is of a weak nature, the custodial interrogation of the petitioner would not be necessitated.

3. On a pointed query put to the learned counsel for the petitioner, he has not disputed his involvement in four other criminal cases including cases under the NDPS Act.

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

5. As per the allegations levelled against the petitioner, he is alleged to be the supplier of contraband to the co-accused; prima facie he does come across as a habitual offender as in the previous case too registered against him under the NDPS Act, he had been named as a supplier of the contraband, which was recovered from the co-accused. It is further evident that the petitioner, after being enlarged on bail in other criminal cases, which stand registered against him, had misused the said concession by being involved in other cases.

6. In the circumstances as enumerated hereinabove, no ground is made out to extend the extraordinary concession of anticipatory bail to the petitioner in the instant case. The petition stands 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.

(MANJARI NEHRU KAUL)
JUDGE

March 18, 2024
rps

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