

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.16372 of 2024

Date of decision: 4th April, 2024

Samshad

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Akshay Kumar Dahiya, Advocate for the petitioner.
(through VC)

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.167 dated 30.06.2023 under Sections 21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sanoli, District Panipat.

2. Learned counsel for the petitioner inter alia contends that he has been falsely implicated in the instant case on the basis of a disclosure statement allegedly suffered by co-accused Rajesh @ Bulli. It has been submitted that a recovery of 6.2 grams of Smack was allegedly effected from co-accused Munni pursuant to a secret information received; the petitioner was not present along with the co-accused when the alleged recovery was effected. Learned counsel has further submitted that the evidentiary value of a disclosure statement allegedly suffered by the co-accused is extremely weak in nature. On a pointed query put to the learned counsel qua his antecedents, he has

submitted that no doubt the petitioner was previously facing trial in three criminal cases under the Arms Act, 1959, however, he stood acquitted in all of them and there was only one case pending against him under the NDPS Act, in which he was already on bail.

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

4. Prima facie, it is discernible that the petitioner has misused the concession of bail which had been granted to him in the previously instituted criminal case against him under the NDPS Act. No doubt, the petitioner in the instant case has been nominated on the basis of a disclosure statement allegedly suffered by co-accused, from whom the recovery of contraband was effected, however, this Court cannot turn a blind eye to his criminal antecedents and he apparently being a repeat offender in cases under the NDPS Act.

5. 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 in the instant case. The petition stands dismissed in limine. 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

April 4, 2024
rps

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