

206

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20749-2024
Date of decision: 02.05.2024

NIYAMAT

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

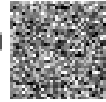
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

JASGURPREET SINGH PURI, J.

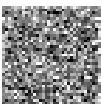
1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.122 dated 01.06.2017, under Section 20-61 of the NDPS Act, registered at Police Station Pinangwan, District Nuh, Haryana.
2. Learned counsel for the petitioner submitted that the petitioner is in custody for 9 months and 16 days and no recovery was effected from the petitioner and it is a case where the petitioner had earlier filed a regular bail petition before this Court, which was dismissed by this Court vide Annexure P-2 on 03.10.2023 and he is in custody from 19.07.2023. He further submitted that earlier the petitioner was granted anticipatory bail but he could not appear before the learned trial Court as he was not informed by his counsel and thereafter, his bail was cancelled and non-bailable warrants were issued against



him. He also submitted that the petitioner was nominated on the basis of disclosure statement of a co-accused and therefore, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Kapil Bansal, DAG, Haryana submitted that although the petitioner is in custody for 9 months and 16 days but he does not deserve the concession of regular bail. He further submitted that earlier when the petitioner was granted the concession of interim bail by the learned trial Court on 29.09.2018, he failed to appear before the learned trial Court on 25.07.2022 and his bail was cancelled and non-bailable warrants were issued against him. He also submitted that the petitioner remained absent for a period of about one year and during that period, two more FIRs were registered against him i.e. FIR No.46 dated 09.02.2022 under Section 20(b)(ii)C/29 of the NDPS Act, registered at Police Station Punhana, District Nuh, wherein 113.170 kgs. of *poppy husk* was confiscated and FIR No.125 dated 12.05.2022 under Section 20 of the NDPS Act, registered at Police Station Pinangwan, District Nuh, wherein 38.860 kgs. of *poppy husk* was confiscated. He further submitted that as per the custody certificate which has been filed in Court today, the petitioner is involved in four more cases, out of which three cases are under the NDPS Act and one case under the Arms Act and in the present case, there was recovery of 625 kgs. of *ganja* from the other co-accused, which is not only commercial but also a huge quantity. He also submitted that considering the conduct of the petitioner, he does not deserve the concession of regular bail and there is a strong apprehension that in case the petitioner is released on bail then he may abscond and may even repeat the offence being a habitual offender.

4. I have heard the learned counsel for the parties.



5. The petitioner is in custody for 9 months and 16 days as per the custody certificate filed by the learned State counsel in Court today. Earlier when the petitioner had filed a regular bail petition before this Court, the same was dismissed vide Annexure P-2 on 03.10.2023. The petitioner is stated to be involved in four more cases, out of which as per the learned State counsel, three cases are under the NDPS Act and one case is under the Arms Act and he got involved in two cases under the NDPS Act as aforesaid while he remained absent from the learned trial Court in the present case. The apprehension which has been expressed by the learned State counsel as aforesaid that in case the petitioner is released on bail then he may not only abscond but he may even repeat the offence being a habitual offender does carry weight and cannot be ignored.

6. In view of the aforesaid facts and circumstances of the present case and considering the conduct of the petitioner, this Court does not deem it fit and proper to grant the concession of regular bail to the petitioner.

7. Consequently, finding no merit in the present petition, the same is hereby dismissed.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

02.05.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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