

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21266-2024

Date of Decision: April 29, 2024

VISHAL SINGH ALIAS SHALI

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. J.S. Thakur, Advocate for the petitioner.
Mr. Athar Ahmed, DAG, Punjab.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 438 CrPC, prayer has been made for grant of anticipatory bail in case FIR No.27 dated 18.02.2024 registered under Sections 21 and 25 of NDPS & Sections 25 and 27 of Arms Act, 1959 (Section 29 of NDPS was added later on) at P.S. Sidhwan Bet, District Ludhiana wherein the petitioner has been implicated on the basis of disclosure statement made by co-accused Rahul and Manpreet from whom 260 grams of heroin was recovered.

2. Learned counsel for the petitioner submits that petitioner was implicated on the basis of disclosure and was never apprehended from the spot. Learned counsel further submits that no recovery was ever effected from the petitioner.

3. On the other hand, prayer made herein has been vehemently opposed at the instance of learned State counsel while submitting that the petitioner earlier approached this Court vide CRM-M-17511-2024 which was withdrawn with liberty to approach the trial Court vide order dated 09.04.2024 and thus, the second petition was

not maintainable. He further points out that the petitioner was involved in two more cases of NDPS Act besides one FIR under the provisions of IPC and thus, considering his antecedents, he does not deserve the concession of anticipatory bail.

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

5. A perusal of the record shows that the petitioner earlier approached this Court for similar relief vide CRM-M-17511-2024 which came to be disposed of vide order dated 09.04.2024 and the same reads as under:-

“By way of present petition filed under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail to the petitioner in case bearing FIR No.0027 dated 18.02.2024 registered under Sections 21 & 25 of NDPS Act, 1985 and Sections 25 & 27 of Arms Act, 1959 (Section 29 of NDPS Act added later on) at Police Station Sidhwan Bet, District Ludhiana Rural (Annexure P-1).

Having argued for some time, learned counsel for the petitioner prays for withdrawal of the present petition with a liberty to approach the Trial Court by moving an application for bail within a period of seven days.

Ordered accordingly.

In case the petitioner surrenders himself before the Court concerned within a period of seven days from today and files his bail application, the same shall be decided within a week thereafter, as per law.”

6. A perusal of the aforesaid order shows that the petitioner withdrew his earlier petition for grant of anticipatory bail with liberty to surrender before the trial Court for seeking regular bail, however, instead thereof, present petition has been filed without there being any change of circumstances which apparently, thus cannot be entertained. Moreover, the petitioner is involved in two more cases under NDPS

Act besides one FIR under the provisions of IPC and the details thereof are reproduced herein-below:-

- I. FIR No. 1 dated 08.01.2024 under section 307 IPC and section 25,27 of Arms Act P.S. City Zira, District Ferozepur.
- II. FIR No. 41 dated 12.05.2022 under 21 NDPS, Act City Zira, District Ferozepur.
- III. FIR No. 66 dated 20.05.2021 under section 21 NDPS, Act City Moga, District Moga and there are case registered against the petitioner under the NDPS, Act.”

7. In such circumstances while considering the antecedents of the petitioner and the gravity/nature of the offence, besides, the recovery involved in the present case being of commercial quantity, the petitioner does not deserve the concession of anticipatory bail in order to ensure the fair and free investigation, even though, he was nominated on the basis of disclosure statements made by co-accused namely Rahul and Manpreet.

8. Accordingly, the present petition stands dismissed, however, the aforesaid order shall be subject to payment of costs of Rs.20,000/- to be deposited with District Legal Services Authority, Ludhiana within 15 days from today, failing which the same may be recovered as arrears of land revenue by the District Collector, Ludhiana.

29.04.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No