



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

103

CRM-M-23535-2024
Date of decision: May 10th, 2024

Ashok Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Mohit, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in case FIR No.58 dated 14.02.2024 under Sections 18 (C) & 27-A (added later on) of the NDPS Act, 1985, registered at Police Station City Fatehabad.

2. Learned counsel for the petitioner submits that he has been falsely implicated in the present case based on a disclosure statement allegedly suffered by co-accused Bhagwan Dass from whom a recovery of 100 grams of opium was allegedly affected. It has been submitted that the recovery affected from co-accused Bhagwan Dass has been classified as non-commercial under the NDPS Act. Furthermore, learned counsel has asserted that there is nothing on record which could in any manner link him with the alleged recovery. It has been further submitted that the disclosure statement on the basis of which the petitioner has been arraigned as an accused has very weak evidentiary value; the petitioner is willing to join and cooperate with the investigating agency.

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

4. A perusal of the file and other material on record indicates that the petitioner is the alleged supplier of the contraband recovered from co-accused Bhagwan Dass. Despite, the alleged recovery being classified as non-commercial, it would be imperative to subject the petitioner to custodial interrogation to investigate his involvement in the crime in question and also to ascertain the origin of supply chain of the recovered contraband. It is a matter of record that prior to the registration of the FIR, the petitioner has been involved in three other criminal cases under the NDPS Act. Considering the petitioner's antecedents, including a previous conviction, wherein he was ordered to undergo sentence of ten years, coupled with the fact that the present offence was allegedly committed by him while his sentence was suspended, it *prima facie* hints towards the petitioner being a habitual offender. Hence, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner.

5. The instant petitions stands dismissed.

6. 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.

May 10th, 2024

Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No