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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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Date of Decision : July 17, 2024

AMARJEET ALIAS AMRIT PAL

-PETITIONER

V/S

STATE OF HARYANA

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. B.S. Beniwal, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. On 02.07.2024, after hearing the arguments addressed by the learned counsel for the petitioner, this Court had requisitioned a specific reply from the respondent-State, by passing the hereinafter extracted order:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the relief of anticipatory bail, in FIR No.75 dated 03.04.2024, under Section 20(c) of the N.D.P.S. Act, 1985 (Sections 27-A and 29 of the N.D.P.S. Act added subsequently), registered at P.S. Sadar Ratia, District Fatehabad.

2. What emanates from the record available before this Court, is that, huge quantity of 284 kg. 800 grams Ganja was recovered from petitioner's co-accused Parkash and Ranjit. During investigation, these co-accused suffered disclosure statement(s) that the petitioner acted as a conduit for purchase of the recovered contraband from co-accused Ram Bhagat.

3. Record also reveals that the petitioner is involved in two more cases of similar nature and upon his getting bail therein, he again



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indulged in commission of the present crime.

4. The learned counsel for the petitioner submits that the only piece of evidence, which constitutes the bedrock for the investigating agency to arrest the petitioner, is the disclosure statement of co-accused Parkash and Ranjit. Moreover, the only allegation against the petitioner is that he acted as a conduit for purchase of the recovered contraband, however, the investigating agency is not seized of any cogent evidence to substantiate this allegation.

5. Notice of motion.

6. Mr. Rajesh Gaur, Addl. A.G., Haryana, waives service of notice on behalf of the respondent-State, and, he is directed to file reply to the instant petition, detailing therein the role and criminal antecedents of the present petitioner, besides detailing the incriminatory material, as collected by the investigating officer concerned, which connects the petitioner with the alleged crime.

7. List on 17.07.2024 in the urgent list.”

2. Accordingly, today the learned State counsel has filed a status report, on affidavit of Sanjay Kumar, H.P.S., Deputy Superintendent of Police, Ratia, which is taken on record. This status report makes revelations about the evidence collected by the investigating agency during investigation, other than the disclosure statement(s) of co-accused Parkash and Ranjit. The relevant paragraphs of the status report are reproduced hereinafter:-

“8. That during investigation the call details of co-accused Parkash and Ranjit were obtained by the investigating officer, perusal of which it transpired that the petitioner/accused was in touch with co-accused from 01.03.2024 to 03.04.2024 and it transpired that petitioner/accused having mobile No.80599-44020 was in touch with co-accused Parkash having mobile No.90344-46810 (48 times call exchange), co-accused Ranjeet having mobile No.92535-66427, 83061-92931 (20 times call



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exchange) and with accused Ram Bhagat having mobile No.84275-92384 (1 time). Copy of CDR obtained for analysis purpose is appended herewith as Annexure R-4.

9. That during investigation on 14.07.2024, the Chinder Kaur owner of the house was joined into investigation of the case and she disclosed that she had given her house on rent to petitioner/accused, meaning thereby that the rented house from which the Ganja was recovered belongs to petitioner/accused.”

3. The *prima facie* inference surging forth from the hereinabove extracted paragraphs of the status report is that, other than the disclosure statement(s) of co-accused, the investigating agency is seized of sufficient inculpatory material/evidence thus indicative of petitioner's involved in the present trade of narcotics.

4. Not only this, what further emerges from the record is that, earlier also, the petitioner was involved in commission of alike offence(s) under the N.D.P.S. Act, whereupon, (i) FIR No.27 dated 02.02.2023; and (ii) FIR No.155 dated 16.06.2023; were registered against him at P.S. Sadar Ratia, District Fatehabad. However, instead of mending his conduct after getting the concession of bail/interim bail in FIRs (supra), the petitioner again indulged in trade of narcotics, which constituted the bedrock for registration of the present FIR.

5. The hereinabove extracted criminal antecedents of the petitioner, coupled with the inculpatory material/evidence collected by the investigating agency, impel this Court to draw an inference that the petitioner is a habitual offender, who indulges in trade of narcotics time and again. Therefore, this Court does not deem it a fit case to grant the extraordinary relief of anticipatory bail to the petitioner. Consequently, the



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asked for relief of anticipatory bail is declined to the petitioner and the petition is accordingly **dismissed**.

6. However, anything observed hereinabove shall neither be construed to have any bearing on the outcome of the trial, nor the trial Court concerned shall be influenced by any of the observations recorded herein.

July 17, 2024
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(KULDEEP TIWARI)
JUDGE

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