



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

CRM-M-30181-2024

Date of Decision : 02.07.2024

FARAMAN

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Shailender Singh, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.85, dated 05.05.2024, under Section 21-B of the NDPS Act, registered at Police Station Buria, District Yamunanagar.

2. In the instant case the co-accused of the petitioner, Mobin alias Baja son of Abdul Majid, was apprehended and upon search 15 grams of heroin was recovered from him. A motorcycle was also recovered which was used by the said co-accused-Mobin, in transportation of the narcotic contraband. During the investigation, name of the present petitioner surfaced on a disclosure statement suffered by the said accused-Mobin, on 05.05.2023.

3. In asking for the relief of pre-arrest bail, learned counsel for the petitioner submits that the petitioner's name was figured out only during the disclosure, otherwise, there is nothing on record to connected him with the instant crime. Therefore, the petitioner is entitled for the relief (*supra*).

4. Upon notice of motion issued on 19.06.2024, a reply dated 25.06.2024, by way of an affidavit of DSP, Jagadhari, Yamunanagar, has been filed, by the learned State counsel today in Court, which is taken on record, with a copy thereof supplied to learned counsel for the petitioner.

5. He further opposes the grant of relief (*supra*), to the present petitioner.

6. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

7. A perusal of the reply it reflects that the present petitioner was involved in two more cases of similar nature, however in those he is on bail, and in violation of terms and conditions of the bail extended to him, he involved himself in the instant crime. It seems that the petitioner, is a habitual offender.

8. The reply further reflects that the CDR pertaining to mobile no.85718-22894 belonging to the main accused-Mobin, and mobile no.89232-34072, belonging to the present petitioner for a period from 05.02.2023 to 05.05.2023, were taken into possession during investigation, which reflects that there was a frequent talk between the petitioner and the above co-accused. As many as, there are 19 calls between them.

9. The reply further reflects that during the investigation the petitioner sold 20 grams of heroin to the main co-accused-Mobin, for a sum of Rs.24,000/-.

10. In view of the above, there are sufficient incriminating material available with the prosecution, at this stage. The petitioner is a habitual offender, as it is a third offences committed in violation of the terms and conditions of bail granted to him in other two criminal cases, which are registered against him, which does not entitle him for the relief of extra-ordinary relief of pre-arrest bail in the present case.

11. Consequently, the instant petition is ordered to be **dismissed**.

July 02, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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