



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

107

CRM-M-31055-2024
Date of decision: July 3rd, 2024

Vijay Kumar @ Vijay

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Mikhail Kad, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in case FIR No.37 dated 27.03.2024 under Sections 22/25/29/61 of the NDPS Act, 1985, registered at Police Station Lehra, District Sangrur.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case on the basis of a disclosure statement allegedly suffered by co-accused-Kamal Kishore from whom a recovery of seven bottles (100 ml each) of WINCEREX Cough Syrup and 100 Carisoprodol tablets was allegedly affected pursuant to a secret information received by the police. Learned counsel submits that the evidentiary value of such a disclosure statement is of a weak nature, which requires to be appreciated in the light of the petitioner having clean antecedents and not being involved in any other criminal case. Learned counsel submits that the petitioner is willing and ready to join investigation and cooperate with the investigating agency.

3. Notice of motion.

4. On the asking of the Court, Mr. Navdeep Singh, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent.
5. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. He, on instructions from ASI Satpal Singh, has submitted that the petitioner has not approached this Court with clean hands. The petitioner is a man of criminal antecedents and is involved in a number of criminal cases including a case under the NDPS Act, which fact has been withheld from this Court., Learned State counsel has submitted that no doubt, the recovery affected from co-accused has been classified as non-commercial under the Act, however, the criminal antecedents of the petitioner cannot be ignored, more so since he is a supplier of narcotic substances/intoxicants.
6. I have heard learned counsel for the parties and perused the relevant material on record.
7. In the facts and circumstances as enumerated hereinabove, the petitioner does not deserve the extraordinary concession of anticipatory bail, more so since it is evident that he has indeed misused the concession of anticipatory bail in the other criminal case, which already stands registered against him.
8. The instant petition stands dismissed.
9. 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.

July 3rd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No