



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

104

CRM-M-35029-2024

Date of decision: 24.07.2024

Jagseer Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Santokhwinder S. Grewal, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.421 dated 14.06.2024 under Sections 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act'), registered at Police Station City Sirsa, District Sirsa.

2. It has been argued by the learned counsel for the petitioner that the petitioner was not apprehended at the spot along with co-accused Shanti from whom a recovery of 360 grams of heroin was allegedly effected; he came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Shanti, who stated that the petitioner was the supplier of the recovered contraband. It has been further argued by the learned counsel that the evidentiary value of the disclosure statement on the basis of which the petitioner has been arraigned as an accused is of a weak nature for which the petitioner deserves to be extended the concession of anticipatory bail,

moreso, when the contraband already stands recovered.

3. On a pointed query put to the learned counsel for the petitioner qua the criminal antecedents of the petitioner, he has fairly submitted that the petitioner is facing trial in three other cases registered under the NDPS Act which have also been detailed in paragraph 10 of the instant petition.

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

5. No doubt, the petitioner was not apprehended at the spot with co-accused Shanti from whom the alleged recovery was effected, however, this Court cannot loose sight of the fact that prima facie the petitioner does come across as a habitual offender and this is the fourth case which has now been registered against him under the NDPS Act during the pendency of the earlier three cases which already stand registered against him. In the facts and circumstances as enumerated hereinabove, the petitioner does not deserve to be extended the extraordinary concession of anticipatory bail.

6. Accordingly, the instant petition is hereby dismissed.

7. 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.

24.07.2024

Vinay

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(MANJARI NEHRU KAUL)

JUDGE