

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

204

2024:PHHC:006195

CRM-M-39483-2023 (O&M)

Date of decision: January 18th, 2024

Sukhwinder Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Garima Sharma, Advocate
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General,
Haryana.

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.172 dated 20.06.2023 under Section 15 of the NDPS Act registered at Police Station Saha, District Ambala.

2. Learned counsel for the petitioner, *inter alia*, contends that a false case has been planted upon the petitioner on the allegations that his car which was parked in the bay of some factory with one quintal of poppy husk. Learned counsel submits that the petitioner was nowhere near the vicinity of the car and hence, it left no manner of doubt that a false recovery of the aforementioned contraband had been planted upon him.

3. Learned State counsel, on instructions from S.I. Nosad Khan, has vehemently opposed the prayer and submissions made by the counsel opposite. She submits that a specific secret information had been received by the police qua the involvement of the petitioner in the sale and purchase of narcotics. The car from which the alleged

recovery was effected was in the name of the petitioner. Furthermore, the petitioner is a man of criminal antecedents as he already stands convicted in another case under the NDPS Act, wherein also a recovery of 50 kilograms of poppy husk was effected from his car. It has further been submitted that in the third case registered against him, he was found in possession of 8 kilograms of poppy husk, though he had since been acquitted.

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

5. In the facts and circumstances as enumerated hereinabove, keeping in mind the criminal antecedents as well as the huge recovery effected, the petitioner does not deserve to be extended the extraordinary concession of anticipatory bail.

6. The instant petition stands 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.

January 18th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No