



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

201

CRM-M-42573-2024

Date of decision: September 13th, 2024

Harmail Singh @ Mela

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Robindeep Singh Bhullar, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case FIR No.40 dated 15.05.2022 under Sections 21 and 29 of the NDPS Act registered at Police Station Smalsar, District Moga.

2. In compliance of order dated 31.08.2024, status report by way of affidavit of Deputy Superintendent of Police, Sub Division Baghapurana, District Moga, has been filed in Court, which is taken on record subject to just exceptions. Copy supplied to the counsel opposite.

3. Learned State counsel at the outset has drawn the attention of this Court to the criminal antecedents of the petitioner, which find detailed in paragraph No.5 of the status report. A perusal of the status report, in particular paragraph 5 reveals that the petitioner although stands acquitted in four criminal cases, however, at the same time, he has been convicted in two other criminal cases including one under the NDPS Act, in another case under the NDPS Act, he is still facing trial,

while in a third case under the NDPS Act, investigation is pending qua

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him. Learned State counsel, on instructions, has submitted that although the petitioner was not nabbed at the spot along with the co-accused, from whom recovery of heroin was affected, however, it had come during the interrogation of the co-accused that the recovered contraband had been supplied to him by none other than the petitioner. Learned State counsel has submitted that it is thus evident that the petitioner is a habitual offender and has been continuously misusing the concession of bail, which has been granted to him in the previously instituted criminal cases against him. Learned State counsel submits that in the circumstances, the petitioner does not deserve the concession of anticipatory bail.

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

5. The involvement of the petitioner in drug trafficking surfaced in the disclosure statement allegedly suffered by co-accused from whom a recovery of 20 grams of heroin was affected. No doubt, the recovery affected from the co-accused is of intermediate quantity, however, at the same time, this Court cannot turn a blind eye to the criminal antecedents of the petitioner as it is a matter of record that he already stands convicted in one case under the NDPS Act, in one case he is facing trial and in the third case, investigation is still pending.

6. In the facts and circumstances as enumerated hereinabove, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner.

7. The instant petition stands dismissed.



8. 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.

September 13th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned :

Whether reportable :

Yes

No