



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

104

CRM-M-44256-2024

Date of decision: 09.09.2024

Lakhwinder Singh @ Lakhi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Arpandeeep Narula, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.284 dated 01.09.2024 under Sections 21-B of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act'), registered at Police Station Kalanwali, District Sirsa.

2. Learned counsel for the petitioner submits that it is a matter of record that recovery of 6.3 grams of heroin was effected from co-accused Rasanjeet @ Rasna and the petitioner was not even present anywhere close to the place of recovery which clearly indicates that he has been falsely implicated in the present case and that too on a disclosure statement allegedly suffered by co-accused Rasanjeet Singh @ Rasna; co-accused Rasanjeet Singh @ Rasna stated that the recovered contraband had been supplied to him by the present petitioner. It has been argued by the learned counsel that the disclosure statement on the basis of which the petitioner has been arraigned as an



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accused, does not have much evidentiary value and hence, the petitioner deserves to be extended the concession of bail.

3. On a pointed query as to whether the petitioner has any criminal antecedents, learned counsel for the petitioner has submitted that the petitioner is indeed involved in four other criminal cases, however, there is only one other case registered against the petitioner under the NDPS Act.

4. Notice of motion.

5. On asking of the Court, Ms. Trishanjali Sharma, DAG, Haryana, accepts notice on behalf of the respondent-State.

6. Learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite, by submitting on instructions that incorrect averments have been made qua the criminal antecedents of the petitioner. In fact, this is not for the first time that the petitioner has been booked under the NDPS Act; the petitioner is facing trial in a total of seven criminal cases out of which there are three cases under the NDPS Act.

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

8. Prima facie, the petitioner does come across as a habitual offender and the present FIR has been registered against the petitioner while he was on bail in the other criminal cases, including cases under the NDPS Act, registered against him. Evidently, the petitioner has misused the liberty granted to him in the other criminal cases. In the circumstances, specially keeping in view the role attributed to the

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petitioner of being a supplier of the recovered contraband, he does not deserve the extraordinary concession of anticipatory bail. Accordingly, the instant petition is hereby 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.

09.09.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No