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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(105)

CRM-M-47929-2024
Date of Decision : 30.09.2024

Harbans Singh @ Boga ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON’BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vishal Sharda, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. AG, Haryana.

KULDEEP TIWARI, J.(Oral)

- Through the instant petition, as instituted under Section 482 of BNSS, 2023, the petitioner seeks the concession of anticipatory bail, in FIR No.166 dated 07.09.2024, under Section 15(b)/61/85 of the N.D.P.S. Act, 1985, registered at P.S. Odhan, District Dabwali.
- The learned counsel for the petitioner submits that the petitioner has no concern whatsoever, with the alleged recovery of 2 kg 140 grams Chura Post, which has been effected from co-accused Ram Chander @ Mange Ram, and, which falls in the category of “non-commercial quantity”. The name of the petitioner surfaced for the first time ever only in the disclosure statement, as suffered by the co-accused Ram Chander @ Mange Ram, whereupon, he has been arrayed as an accused in the instant FIR. He contests the evidentiary vigor of the said disclosure statement, on the ground that, the same was suffered by the co-accused (supra), while being in police custody.



3. Although the petitioner has been nominated, as an accused on the basis of disclosure statement and the alleged recovery of Chura Post, as effected from the co-accused (supra), falls in the category of “non-commercial quantity”, yet the petitioner has made wrong averments in paragraph No.8 of the instant petition, that the petitioner is not involved in any other case.

4. On the other hand, learned State counsel, on instructions imparted to him by ASI Bhoop Singh, submits that the petitioner is involved in one other case under the NDPS Act, bearing FIR No.211, dated 11.09.2022, registered at Police Station Odhan, District Sirsa. He also submits that in the said FIR, the challan has been submitted and the trial is in mid way.

5. Since it is a settled position of law that liberal approach in the matters related to the Narcotic Drugs and Psychotropic Substances is uncalled for, therefore, when the hereinabove extracted criminal antecedents of the petitioner make him a habitual offender, who indulges in trade of narcotics time and again, this Court refrains from granting the asked for relief. Moreover, insofar as evidentiary worth of the disclosure statement of co-accused (supra) is concerned, the same can only be considered and ascertained at the appropriate stage of trial.

6. Consequently, this Court does not deem it a fit case to grant the extraordinary relief of anticipatory bail to the petitioner. To reach at this conclusion, this Court also garners strength from the judgment rendered by the Hon’ble Supreme Court, in case titled as *“The State of Haryana Versus Samarth Kumar”, 2022 (3) RCR (Criminal) 991*. In summa, the asked for relief of anticipatory bail is declined to the petitioner and the petition is accordingly **dismissed**.

7. However, anything observed hereinabove shall neither be

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construed to have any bearing on the outcome of the trial, nor the trial Court concerned, shall be influenced by any of the observations recorded herein.

(KULDEEP TIWARI)
JUDGE

September 30, 2024
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No