



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

CRM-M No.53104 of 2024
Date of decision: 8th November, 2024

Rahul @ Pavva

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Saurabh Sharma, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail in case FIR No.295 dated 22.09.2024 under Sections 21(c) & 27(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Parao Ambala Cantt. District Ambala.

2. Learned counsel submits that it is on account of personal vendetta, the petitioner has been falsely implicated in the present case; the petitioner was neither accompanying the co-accused, from whom a recovery of 258 grams of Heroin was affected, nor was it the case of the prosecution that the petitioner was in the near vicinity of the spot when the alleged recovery was made. It has been submitted that since the petitioner has been nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused, from whom the aforesaid recovery was affected, it clearly points to his innocence, more so, when

the disclosure statement, on the basis of which the petitioner has now been arraigned as an accused, does not hold much evidentiary value.

3. On a pointed query put to the learned counsel as to whether the petitioner has any previous criminal antecedents, he has very fairly conceded that the petitioner is involved in 9 other criminal cases including cases under the NDPS Act.

4. Notice of motion.

5. Ms. Trishanjali Sharma, Dy. Advocate General, Haryana, who is present in Court, accepts notice on behalf of the State.

6. Learned State counsel, on instructions, has vehemently opposed the prayer and submissions made by the counsel opposite, by arguing that the petitioner is not involved in 9 cases but in 10 criminal cases, out of which 7 cases are under the NDPS Act. It has been further submitted by the learned State counsel, on instructions, that there is no question of the police falsely implicating the petitioner on account of some personal vendetta because almost all the cases have been registered under the jurisdiction of different Police Stations including one case under the NDPS Act, which stands registered in the State of Punjab. Learned State counsel has argued that therefore, it is evident that the petitioner is a habitual offender and is part of a large drug syndicate.

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

8. As per the admitted case of the petitioner himself, he is involved in following other cases:

- (i) F.I.R No. 118 dated 07-02-2022 u/s Section 21-61-85 NDPS Act Police Station Ambala Cantt.
- (ii) F.I.R No. 508 dated 22-07-2020 u/s Section 42 Prison Act, Police Station Baldev Nagar, Distt. Ambala.
- (iii) F.I.R No. 359 dated 02-08-2020 Section 21-61-85 NDPS Act Police Station Mahesh Nagar, Ambala.
- (iv) F.I.R no. 96 Dated 05-07-2017 Section 354, 306 IPC Women Police Station Ambala City.
- (v) F.I.R No. 61 dated 15-05-2020 Section 21-61-85 NDPS Act Police Station STF Phase 4, Mohali Punjab.
- (vi) F.I.R No. 496 dated 24-11-2020 Section 25 Arms Act, 148, 149, 323, 506 IPC Police Station Mahesh Nagar.
- (vii) F. I.R No. 331, dated 08/09/24, /s 21, 29 NDPS Act, Police Station: Mahesh Nagar, District Ambala.
- (viii) F.I.R No. 341, Dated 16/09/2024, U/s 21, 29 NDPS Act, Police Station, Mahesh Nagar District, Ambala.
- (ix) F.I.R No. 295, Dated 22/09/2024, u/s 21, 27-A, NDPS Act, Police Station. Parao, District Ambala.
- (x) F.I.R No. 259, dated 30-06-2024 under section 21 of NDPS Act, 1985, Police Station: Mahesh Nagar, Ambala Cantt., District Ambala.

9. Prima facie, the petitioner not only comes across as a habitual offender, but it is apparent that he has misused the liberty which was granted to him while being released on bail in some of the other cases registered against him. Therefore, he does not deserve to be

extended the extraordinary concession of anticipatory bail in the instant case. The petition stands dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

November 8, 2024

rps

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