



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

128

CRM-M-53600-2024 (O&M)

Date of decision: 25.10.2024

RAHUL @ PAVVA

....Petitioner

V/s

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. Prayer in the instant petition filed under Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023 is for granting the concession of anticipatory bail in case FIR No.341 dated 16.09.2024 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Mahesh Nagar, District Ambala.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case which is evident from the fact that it is only on the basis of a disclosure statement allegedly suffered by co-accused Sumeet Sarin @ Sam from whom recovery of 19 grams of heroin was affected. Learned counsel further submits that even though a secret information was received qua the involvement of co-accused Sumeet Sarin @ Sam in drug trafficking, no such secret information was received regarding the petitioner. Learned counsel has still further argued that the disclosure statement, on the basis of which the petitioner has been



arraigned as an accused in the present case, does not hold much evidentiary value and clearly points towards his innocence and hence he deserves to be extended the concession of bail. Prayer has also been made that since no recovery is required to be affected from the petitioner, his custodial interrogation would serve no useful purpose.

3. On a pointed query posed to the learned counsel as to whether the petitioner has any previous criminal antecedents, he has very fairly drawn the attention of this Court to the details of the various criminal cases which stand registered against him and find mentioned in the body of the petition. However, it has been submitted that most of the cases have been registered by the same police station on account of the police officials nursing a grudge against him due to some complaints which he had made against the police officials concerned for trying to falsely implicate him in criminal cases.

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

The petitioner is involved in the following 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. 369 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, u/s 21, 29 NDPS Act, Police Station: Mahesh Nagar, District Ambala.

(viii) F.I.R No. 295, Dated 22/09/2024, u/s 21, 27- A, NDPS act, Police Station. Parao, District Ambala.

(ix) F.I.R No. 259, dated 30-06-2024 under section 21, of NDPS Act, 1985, Police Station: Mahesh Nagar, Ambala Cantt., District Ambala.”

5. No doubt, as per the allegations levelled in the FIR which have been annexed as Annexure P-1, no secret information was received qua the involvement of the petitioner in the instant case nor is it the case of the prosecution that the petitioner was accompanying the co-accused or was anywhere in the near vicinity of the place of alleged recovery, however, in the disclosure statement allegedly suffered by co-accused, he claimed that the petitioner was the supplier of the recovered contraband. It also needs to be pointed out that there is no merit in the contention of the learned counsel that the petitioner was being falsely implicated in various criminal cases on account of some enmity with the police officials as a perusal of the various cases which stand registered against the petitioner reveal that except for a few cases, in all other cases, he has been booked by different police stations, including a case registered under the NDPS Act at Police Station STF Phase 4, Mohali, which is in the State of Punjab. Although it is contended by the learned counsel that in the other cases which stand registered against the petitioner, he had been nominated as an accused on the basis of a disclosure statement allegedly suffered by the co-accused in those cases, however, *prima facie*, it does appear that the petitioner is indeed a supplier of narcotic substances. Furthermore, the



petitioner has apparently been repeatedly misusing the concession of bail granting to him in the other criminal cases pending against him as it is during the pendency of those cases that he has yet again been involved in the instant case.

6. In the aforementioned facts and circumstances, particularly keeping in view the petitioner’s repeated brush with law, he does not deserve the extraordinary concession of bail.

7. Accordingly, the instant petition is hereby 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.

October 25, 2024
poonam

(MANJARI NEHRU KAUL)
JUDGE

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