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

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Date of Decision : November 07, 2024

AJAY

-PETITIONER

V/S

STATE OF HARYANA

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms/Mrs. Prabhjot Kaur Virk, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 482 of the B.N.S.S., 2023, the petitioner seeks the concession of anticipatory bail, in case FIR No.231 dated 03.08.2024, under Section 20(b)(ii)(C) of the N.D.P.S. Act, 1985, registered at P.S. Sadar Narwana, District Jind.

2. The learned counsel for the petitioner submits that the petitioner has no concern whatsoever with the contraband (01 kg 18 grams of Charas) recovered from the possession of his co-accused Sukhdev. The name of the petitioner surfaced for the first time ever only in the disclosure statement suffered by his co-accused during the course of investigation. Moreover, she contests the evidentiary vigor of the said disclosure statement(s), on the ground that, the same was suffered by petitioner's co-accused while being in police custody. Lastly, she submits that, although the petitioner is involved in six more cases, which includes one case registered under the N.D.P.S. Act, however, he has been granted bail in five cases, and, acquitted in one case.

3. Although the petitioner has been nominated as an accused on the basis of disclosure statement, however, taking into account: (i) the fact that, the



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recovered contraband (01 kg 18 grams of Charas) undisputedly falls in the category of “commercial quantity”; (ii) the fact that, instead of mending his conduct after getting the concession of bail/interim bail in five FIRs, which include one FIR under the N.D.P.S. Act, the petitioner again indulged in trade of narcotics, which resulted in his becoming nominated as an accused in the present FIR; and (iii) the settled position of law that liberal approach in the matters related to the Narcotic Drugs and Psychotropic Substances is uncalled for; therefore, this Court refrains from granting the asked for relief to the petitioner. Insofar as evidentiary worth of the disclosure statement of petitioner’s co-accused is concerned, the same can only be considered and ascertained at the appropriate stage of trial.

4. Therefore, 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. Consequently, the asked for relief of anticipatory bail is declined to the petitioner and the petition is accordingly **dismissed**.

5. However, anything observed hereinabove shall neither be 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.

November 07, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No