

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.58034 of 2023
Date of decision: 28th February, 2024

Rakib

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Davneet Sangwan, Advocate for the petitioner.
Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.69 dated 16.04.2023 under Sections 21B/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Buria, District Yamuna Nagar.

2. Learned counsel for the petitioner submits that in compliance of the order dated 17.11.2023 passed by a Coordinate Bench of this Court, the petitioner has joined investigation and cooperated with the investigating agency.

3. Learned State counsel, on instructions from ASI Rishipal, does not dispute the factum of the petitioner having joined investigation. However, he has vehemently opposed the prayer made by the counsel opposite for making the aforesaid order absolute. Learned State counsel

has submitted that the petitioner has criminal antecedents and is a habitual offender; he has been previously involved in two other cases under the NDPS Act, wherein also recovery of Heroin was effected. Learned State counsel has further submitted that no doubt in the instant case, he was nominated as an accused on the basis of disclosure statement allegedly suffered by co-accused Sadakat Ali @ Billu, from whom recovery of 10.50 grams of Heroin was effected, however, the criminal antecedents of the petitioner cannot be ignored while considering a prayer for extraordinary concession of anticipatory bail.

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

5. No doubt, in the instant case the petitioner has been nominated as an accused on the basis of disclosure statement allegedly suffered by co-accused Sadakat Ali @ Billu, from whom recovery of 10.50 grams of Heroin was effected pursuant to a secret information received, however, this Court can not turn a blind eye to the criminal antecedents of the petitioner; it is prima facie evident that the petitioner has misused the concession of bail which he was enjoying in the other two cases registered under the NDPS Act when he was arraigned as accused in the instant case.

6. In the circumstances, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. 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

February 28, 2024
rps

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