



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-60068-2023
Date of decision: May 14th, 2024

Surjeet
.....Petitioner

Versus
State of Haryana
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. S.K. Bishnoi, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in case FIR No.775 dated 17.11.2023 under Sections 20(b), 29 of the NDPS Act, 1985, registered at Police Station Sirsa City.

2. Vide order dated 30.11.2023, the State had been put on notice. The State thereafter, filed status report by way of affidavit of Deputy Superintendent of Police (City), Sirsa, wherein it was averred that the petitioner was a man of criminal antecedents and a habitual offender, who had been repeatedly committing offences under the NDPS Act.

3. Learned State counsel further, while drawing the attention of this Court to paragraph 2 of the status report, has submitted that the petitioner stands convicted in two cases under the NDPS Act, which goes a long way to show that he is a habitual offender and it cannot be a case of false implication.

4. Learned counsel for the petitioner submits that the contraband recovered does not fall under the NDPS Act and on this ground, he deserves to be enlarged on bail.

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

6. The petitioner has been arraigned as an accused on the basis of a disclosure statement allegedly suffered by co-accused Ajay alias Kalu from whom recovery of 1 kilogram, 100 grams of ganja patti was seized. While the disclosure statement suffered by co-accused Ajay alias Kalu may not have high evidentiary value, the petitioner's criminal record and involvement in a number of cases under the NDPS Act cannot be overlooked while considering the petitioner's prayer for anticipatory bail. Moreover, co-accused Ajay's disclosure statement alleging that the petitioner is a supplier of the recovered contraband, *prima facie* adds weight to the case of the prosecution and in the light of the criminal antecedents of the petitioner, the disclosure statement suffered by co-accused Ajay alias Kalu cannot be outrightly discarded at this stage. In addition, whether the recovered substance falls under NDPS Act or not, is premature as the FSL report is pending.

7. This Court has no hesitation to concur with the prayer made by the learned State counsel for the dismissal of the instant petition as the custodial interrogation of the petitioner would be necessitated to unearth the drug cartel.

8. The instant petition stands dismissed.

9. 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.

May 14th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No