

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.63761 of 2023

Date of decision: 5th March, 2024

Noushad Ali

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Anuj Malik, Advocate for the petitioner.

Mr. Rajesh Gaur, Addl. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.297 dated 25.10.2020 under Sections 22-C/27-A/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Tohana, District Fatehabad.

2. Learned counsel for the petitioner inter alia contends that the petitioner, on account of a human error, absconded during the pendency of the instant case, as a result of which he was declared proclaimed offender. It has been further submitted that even otherwise the petitioner has been falsely implicated in the case in hand and that too, on the basis of a disclosure statement allegedly suffered by co-accused, who stated that the recovered contraband had been procured from the petitioner. Learned counsel submits that since there was no direct evidence on record to link the petitioner with the recovered contraband, it clearly

pointed to his false implication in the instant case. It has been further submitted that after the petitioner was initially arrested on 02.07.2021, no recovery of any contraband was effected from him. Learned counsel has still further submitted that as many as 25 prosecution witnesses have been cited, however, none has been examined till date, hence, the petitioner cannot be made to languish in custody as it would take considerable time for the trial to conclude. A prayer has therefore, been made for extending the concession of bail to the petitioner.

3. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. He, on instructions from SHO Devi Lal, has submitted that after the petitioner absconded, he was declared a proclaimed offender and it was only on 05.08.2023 that the petitioner was produced in custody before the trial Court. Learned State counsel has also brought to the notice of this Court that the petitioner is involved in cases under the NDPS Act not only in the State of Haryana but also in the State of Uttar Pradesh.

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

5. This Court would not be inclined to extend the concession of bail to the petitioner in the instant case keeping in view his criminal antecedents as well as the fact that during the pendency of the trial, he had absconded and was declared a proclaimed offender. No doubt, the petitioner has been nominated as an accused in the instant case on the

basis of a disclosure statement, however, that too shall not come to his rescue in the above facts and circumstances. The petition stands dismissed.

6. 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

March 5, 2024
rps

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