

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

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CRM-M-59117-2024

Date of Decision : December 03, 2024

JOGINDER SINGH

-PETITIONER

V/S

STATE OF HARYANA

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. K.B. Raheja, 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 FIR No.741 dated 26.10.2024, under Section 21(b) of the N.D.P.S. Act, 1985, registered at P.S. HTM, Hisar, District Hisar.

2. Succinctly stated, 6.54 grams of heroin has been recovered in the present case from petitioner's co-accused Chhinder Pal, who disclosed the petitioner to be the supplier thereof.

3. The learned counsel for the petitioner submits that the petitioner has no concern whatsoever with the recovered contraband. The name of the petitioner surfaced for the first time ever only in the disclosure statement, as suffered by his co-accused, whereupon, he has been arrayed as accused in the instant FIR. He contests the evidentiary vigor of the said disclosure statement, on the ground that, the same was suffered by petitioner's co-accused (supra) while being in police custody.

4. Lastly, the learned counsel for the petitioner submits that, although the petitioner was involved in eight more criminal cases, two of which appertain(ed) to N.D.P.S. Act, however, he has earned acquittal in five of those criminal cases, which include one case registered under the N.D.P.S. Act. Therefore, now the petitioner is involved only in three more criminal cases, including one case registered under the N.D.P.S. Act.

5. This Court has heard the submissions made by the learned counsel for the petitioner and also perused the record.

6. Although the petitioner has been nominated as an accused on the basis of disclosure statement and the recovered contraband falls within the ambit of “non commercial quantity”, however, taking into account the fact that: (i) the petitioner has, consequent upon his earning the relief of bail in other criminal case(s) of similar nature, instead of mending his ways, again indulged in trade of narcotics, by violating the conditions of bail granted to him; (ii) the investigating agency is seized of the apposite call detail records to establish link between the petitioner and his co-accused; (iii) it is a settled position of law that liberal approach in the matters related to the Narcotic Drugs and Psychotropic Substances is uncalled for; this Court refrains from granting the asked for relief. Moreover, 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.

7. Consequently, 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. In summa, the asked for relief of anticipatory bail is declined to the petitioner and the petition is accordingly **dismissed**.

8. 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.

December 03, 2024	(KULDEEP TIWARI)
devinder	JUDGE
Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No