

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

105

CRM-M-64383-2023

Date of decision: 08.01.2024

Ankit

.....Petitioner

Versus

The State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jasmeet Singh, Advocate for
Mr. J.S. Jaidka, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.283 dated 26.11.2023 under Sections 21 of the NDPS Act (Section 29 of the NDPS Act added lateron) registered at Police Station Model Town, District District Hoshiarpur.

2. Learned counsel for the petitioner inter alia contends that he has been implicated in the case in hand on the basis of a disclosure statement allegedly suffered by co-accused Ramandeep Singh, from whom a recovery of 200 grams of intoxicant powder was allegedly effected. Learned counsel submits that the disclosure statement on the basis of which the petitioner has been nominated as an accused has very weak evidentiary value.

3. On a pointed query put to the learned counsel as to whether the petitioner is involved in any other criminal case, he has submitted that the petitioner is though involved in another case under the NDPS Act, however, in that case as well he has been falsely implicated and

has already been extended the concession of anticipatory bail.

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

5. The petitioner, no doubt, was nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Ramandeep Singh, who was apprehended along with the recovered contraband. However, this Court cannot turn a blind eye to the criminal antecedents of the petitioner who is involved in another case under the NDPS Act; the petitioner seems to have a misused the concession of bail granted to him in the other case registered against him under the NDPS Act because it is subsequent to the grant of bail that he has committed the crime in question. In the facts and circumstances as enumerated hereinabove and also keeping in mind the criminal history of the petitioner, he does not deserve to be extended the extraordinary concession of bail. Accordingly, the instant petition is hereby 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.

08.01.2024

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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