

2024:PHHC:170469



102.

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

CRM-M-63963-2024 (O&M)

Date of decision: 18.12.2024

Dilbagh Masih @ Baga

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Raghav Chadha, Advocate, for the petitioner.

Mr. H.S. Deol, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita (earlier Section 438 of Cr.P.C.) for grant of
pre-arrest bail to the petitioner in FIR No.132, dated 01.12.2024, under
Sections 21 and 29 of NDPS Act, 1985, registered at Police Station Sri
Hargobindpur, District Gurdaspur.

Learned counsel for the petitioner contends that the petitioner
has been falsely implicated in the instant case on the basis of a disclosure
statement allegedly suffered by co-accused Manpreet Singh from whom
recovery of 8 grams of heroin was effected. Learned counsel has submitted
that the evidentiary value of the disclosure statement suffered by
co-accused on the basis of which petitioner has been nominated as an
accused in the present case, is weak in nature and deserves to be discarded.

A pointed query has been put to the learned State counsel as to whether the petitioner has any previous criminal antecedents, to which, he has replied in the affirmative and submitted that the petitioner is facing trial in three other cases under the NDPS Act, however, he is on bail in those cases.

Heard.

Prima facie, there are serious allegations against the petitioner of being the supplier of the contraband recovered from co-accused Manpreet Singh; the petitioner has evidently misused the concession of bail which had been granted to him in the previously instituted criminal cases against him under the NDPS Act.

In view of the previous criminal antecedents, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner. 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

December 18, 2024
sanjeev

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