

2025:PHHC:081383



217.

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

CRM-M-28209-2025

Date of decision: 08.07.2025

Krishan Yadav

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Prashant Singh Chauhan, Advocate, for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail, under Section 482 of BNSS, 2023, in case FIR No.137, dated 05.05.2025, under Sections 20(B)(ii)(A) of NDPS Act, 1985 (Sections 27(A) and 29 of NDPS Act added lateron), registered at Police Station Rewari City, District Rewari.

2. Learned counsel for the petitioner on the previous date of hearing contended before this Court that the petitioner had been falsely implicated in the present case and was not named in the FIR, annexed as Annexure P-1. It was also submitted that his alleged involvement in the instant case arose solely from the disclosure statement of co-accused, Ajay, which, by itself, held no evidentiary value in the eyes of law. It was also further submitted that the recovery effected in the case pertains to 50.2

grams of *ganja*, falling within the category of 'small quantity' under the NDPS Act, and there was no recovery whatsoever attributable to the petitioner. On these grounds, the petitioner had sought the concession of anticipatory bail as it was asserted that the custodial interrogation of the petitioner was neither warranted nor justified. The petitioner thereafter had been directed to join investigation by a coordinate Bench of this Court vide order dated 29.05.2025.

3. Learned counsel for the petitioner has contended that the petitioner has complied with the order dated 29.05.2025 and, therefore, the said order be made absolute.

4. *Per contra*, learned State counsel, while vehemently opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed that the petitioner has joined investigation. However, it has been asserted that during interrogation of co-accused, Ajay, it came to light that the petitioner was the alleged supplier of the recovered contraband in the present case. Still further, learned counsel for the State has submitted that the petitioner has a history of criminal antecedents and is involved in at least 06 other criminal cases, including a case registered under Section 302 of IPC, apart from cases registered for various offences under the IPC and the Excise Act. It has been pointed out that the petitioner was already enjoying the concession of bail in those cases at the time of his alleged involvement in the instant offence. Learned State counsel, therefore, has urged that grant of extraordinary concession of anticipatory bail to a

habitual offender such as the petitioner, would not only impede the course of investigation but also embolden further criminal activity.

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

6. The allegations against the petitioner, though presently supported by the disclosure statement of a co-accused, indicate his role as the supplier of the contraband recovered. While the recovered quantity of *ganja* in the case is, admittedly, of a small quantity, the nature of the role attributed to the petitioner is of significance. More crucially, the petitioner has been shown to be involved in 09 other criminal cases although in 03 of those cases, as per instructions received by the learned State counsel, he stands acquitted; the remaining 06 FIRs registered against the petitioner include one under Section 302 of IPC. The pendency of multiple criminal cases, involving serious and grave offences, reflects a sustained pattern of unlawful conduct. The fact that the petitioner has allegedly committed the present offence while being on bail in those other cases, lends credence to the apprehension expressed by the learned State counsel of misuse of the process of law.

7. This Court cannot ignore the overarching circumstances that reveal a consistent disregard for legal boundaries by the petitioner. The grant of anticipatory bail is an extraordinary discretion which is not to be exercised in a casual manner, particularly in cases where the petitioner

appears to be a habitual offender, who has abused the indulgence of bail already granted in other matters.

8. In view of the above facts and circumstances and keeping in mind the gravity of allegations, the antecedents of the petitioner, and the need for effective investigation, this Court is not inclined to exercise its discretion in favour of the petitioner.

9. Present petition stands dismissed accordingly.

10. 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

July 08, 2025

sanjeev

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No