

2025:PHHC:013140



104.

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

CRM-M-5265-2025

Date of decision: 29.01.2025

Jasbir Singh @ Jassa

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amarsh Dudeja, Advocate, for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail, under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in case FIR No.546, dated 18.12.2024, under Sections 22(c), 29, 61, 85 of NDPS Act, Police Station Pinjore, Panchkula.

It has been argued by the learned counsel for the petitioner that the petitioner was not named in the secret information allegedly received by the police. Rather the secret information had been received qua co-accused Sukhchain Singh @ Gora that he was indulging in the trafficking of contraband. It has been further argued by the learned counsel that when co-accused Sukhchain Singh @ Gora was intercepted by the police following the secret information, firstly, the petitioner was not stated to be present along with co-accused nor was he alleged to be present in the

vicinity, and secondly, the petitioner came to be nominated as an accused on a disclosure statement allegedly suffered by Sukhchain Singh @ Gora, who claimed that the recovered contraband i.e. 800 lomotil tablets, had been procured through the petitioner. Learned counsel has vehemently argued that the evidentiary value of the disclosure statement on the basis of which he has been nominated as an accused in the present case holds little value and on this ground alone, he deserves to be extended the concession of anticipatory bail.

Notice of motion.

On the asking of the Court, Mr. Rahul Mohan, Senior DAG, Haryana, accepts notice on behalf of the respondent-State. Learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. He, on instructions, submits that no doubt, secret information was received only qua co-accused Sukhchain Singh @ Gora, however, after the petitioner was nabbed along with a huge quantity of 800 lomotil tablets which has been classified as 'commercial' under the Act, co-accused Sukhchain Singh @ Gora was interrogated; during the interrogation of co-accused, disclosure statement was made by him wherein it surfaced that the petitioner was the supplier of the recovered contraband. It has been submitted by the learned State counsel that no doubt, disclosure statement holds little evidentiary value, however, it has to be appreciated in the light of it being made soon after the arrest of co-accused Sukhchain Singh @ Gora and also the criminal antecedents of the petitioner. Learned

State counsel, on instructions, has submitted that the disclosure statement was suffered on the following day of the alleged recovery itself, and pertinently, the petitioner is a man of previous criminal antecedents. It has been brought to the notice of this Court by the learned State counsel that the petitioner is facing trial in another case under the NDPS Act which was registered on 09.09.2023. The petitioner was on bail in the aforementioned case under the NDPS Act and it was during that time that he was again involved in a case under the NDPS Act, which clearly shows that he misused the concession of bail. It has also been brought to the notice of this Court that earlier in the year 2016, the petitioner was involved in a case under the NDPS Act, however, he was acquitted in the same. Besides this, learned State counsel has submitted that the petitioner is facing trial in a case under the Excise Act. Learned State counsel has submitted that the petitioner's custodial interrogation would be necessitated in view of his repeated involvement in cases under the NDPS Act.

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

Prima facie, the petitioner indeed comes across as a habitual offender. He has been booked in the present case while he was on bail in another case under the NDPS Act.

In the given facts and circumstances, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

Present petition stands dismissed accordingly.

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

January 29, 2025
sanjeev

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No