



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

207

CRM-M-41834-2024

Date of Decision: 31.01.2025

Rajender @ Mopal @ Anil

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Jasdev Singh Thind, Advocate
for the petitioner.

Mr. R.K.S. Brar, Addl. AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

By way of this petition filed under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (old Section 439 Cr.P.C), petitioner prays for grant of regular bail in case FIR No.32 dated 12.05.2011 (Annexure P-1) under Sections 20 of the NDPS Act, 1985, registered at Police Station Garhi, District Jind (Haryana).

2. It is his third petition. The earlier petitions bearing CRM-M-52865-2023 and CRM-M-20126-2024 were dismissed as withdrawn vide orders dated 20.03.2024 and 30.04.2024, respectively passed by this Court.

3. As per the allegations, on 12.05.2011, the police party noticed three young boys on a motorcycle having kept a plastic bag in the middle. At the sight of the police party they tried to turn back the motorcycle. Due to suspicious activities, the police officials tried to apprehend them. One of the boy succeeded in running away, whereas two boys were apprehended, who disclosed their names as Vicky son of Bhopa, and Shishan son of Nichattar. They also disclosed the name of the boy who had run away as Anil. After making necessary statutory compliances, 25 kg of Charas was recovered from them. After completing the investigation challan was filed against Vicky and Shishan, who faced the trial and were ultimately convicted and sentenced on 06.10.2012. The 3rd person namely Anil was arrested on 02.08.2023. In the meantime, he had been declared as proclaimed offender.

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4. It is contended by learned counsel for the petitioner that petitioner is not named in the FIR; that he has been named by the co-accused; that he is not known by the name of the Anil and rather his name is Rajender @ Mopal.

5. Strongly opposing the bail petition, learned State counsel has drawn attention towards the fact that petitioner is Rajender @ Mopal @ Anil, which is evident even from memo of parties. It is stated further that petitioner remained absconding for a long period of time. Attention is also drawn towards the custody certificate revealing that apart from the present case, petitioner is under-trial in 09 other cases and has been convicted in as many as 07 other cases.

6. Having heard learned counsel for the petitioner and having noticed all facts and circumstances particularly the long absence of the petitioner who had been earlier declared proclaimed offender, his criminal antecedents as the petitioner is convict in 07 cases and is under-trial in 09 cases and also heavy quantity of the contraband, which is 25 times the threshold from which the commercial starts, but without commenting anything further on the merits of the case, this Court is not inclined to grant benefit of bail to the petitioner.

Dismissed.

(DEEPAK GUPTA)
JUDGE

31.01.2025

Neetika/pry

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