

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

**CRM-M No.31583 of 2019 (O&M)
Date of Decision: 19.10.2019**

Ricky Mehta

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Ashok Saini, Advocate for the petitioner.

Mr. Venu Gopal Jauhar, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure (*for short 'Cr.P.C.'*) for grant of bail, pending trial, to the petitioner in case FIR No.92 dated 06.06.2019, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered at Police Station City Rupnagar, District Rupnagar.

In pursuance of order dated 18.10.2019, short affidavit dated 19.10.2019 of Swapan Sharma, Senior Superintendent of Police, Rupnagar, District Rupnagar on behalf of the respondent has been filed. The same is taken on record. Copy supplied to the opposite side.

Contentends that as per the prosecution case, recovery from the petitioner is less than commercial i.e. 45 grams of Heroin along with two country made pistols. Further contends that petitioner is in custody since 06.06.2019; after investigation, challan has already been presented and even charges were also framed on 08.10.2019, thus trial is likely to take sufficient long time.

On the other hand, learned State Counsel has opposed the prayer and submitted that on the basis of secret information, 45 grams of Heroin along with two country made pistols were recovered from the petitioner.

Heard both sides and perused the paper-book.

As per the prosecution case, on 06.06.2019 at 11:00 AM, when ASI Pawan Kumar of CIA staff-II, Rupnagar along with police party was present in the area of Power Colony, Rupnagar in connection with the search of suspicious persons, he received a secret information to the effect that Ricky Mehta (petitioner) along with one Umesh Kumar Kalra @ Bunty (co-accused), who are habitual of selling the intoxicating powder as well as illegal weapons from Delhi are coming to Ropar today in a Pazero Car bearing registration No.UP-15-BC-4236 and in case, a barricade is put, both of them can be caught red handed. The secret information was reduced into writing and sent to the Police Station City, Rupnagar for registration of the FIR under Section 22 of the Act as well as Section 25 of the Arms Act, 1959 (Arms Act) at 11:30 AM on 06.06.2019 by ASI Pawan Kumar. Thereafter, at about 01:00 PM, when the police party was waiting, Ricky Mehta (petitioner) along with his co-accused Mukesh Kumar Kalra came in the above Pazero Car from Chandigarh side. The petitioner was driving the Car; whereas co-accused was sitting in the adjoining seat. Upon noticing the police party, both threw away two separate polythene bags from their possession. When the polythene bag, thrown by the petitioner, was checked, it found 45 grams intoxicant powder; whereas from the another polyteheene thrown by co-accused, it was found 48 grams intoxicant powder. In addition

to above, a country made pistol of 12 bore as well as 455 bore revolver along with two live cartridges of 12 bore were also recovered from the petitioner and one country made pistol of 315 bore was recovered from co-accused Umesh Kumar Kalra. FSL report has been received in the matter which discloses that contents of both the contraband were containing Diphenoxylate Hydrochloride.

No doubt, the recovery is less than commercial, but keeping in view the fact that petitioner is residing in Ghaziabad and was coming to Rupnagar with the motive to sell the narcotics as well as the illegal weapons in the State of Punjab which has created a menace in this area. Therefore, the offence being of serious nature, in the opinion of this Court, it cannot be presumed that he is not likely to commit any offence in case released on bail.

In view of above, no case for grant of bail pending trial to the petitioner is made out.

Accordingly, the present petition is dismissed.

October 19, 2019
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes