

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

CRM-M-6798 of 2021

DECIDED ON: 18th FEBRUARY, 2021

Akshay Kumar

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Pranav Handa, Advocate for the petitioner.

Mr. Samina Dhir, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for grant of regular bail in FIR No. 168 dated 5.11.2020, under Sections, 21 and 22 of Narcotics Drugs and Psychotropic Substances Act, 1985, and under Sections 25 of Arms Act 1959 along with Section 120-B IPC 1860 registered at Police Station Anandpur Sahib, Roopnagar District Roopnagar.

The police party received a secret information on 5.11.2020 that Neeraj and Bunty Lubana were possessing of Narcotic Substances and weapons for selling the same. Acting on the information, naka was set up, accused who were riding motor cycle were stopped. On checking 270 grams of intoxicating powder as well as two pistols .32 bore each and 8 live cartridges were recovered from Neeraj. From accused Bunty Lubana there was recovery of 218 grams of intoxicating powder and two pistols .32 bore each and six live cartridges. The FSL report was received that recovered substances was Tramadol Hydrochloride .

During investigation, the accused disclosed that their gang included three more persons including Akshay Kumar @ Abbu (petitioner). The petitioner was nominated and on his arrest .32 bore pistol and three cartridges were recovered.

Learned counsel for the petitioner contends that this is a case of false implication. No recovery of narcotic substance was made from him. The petitioner has no criminal history.

Learned counsel for the State opposes the grant of bail and submits that the matter is still being investigated. Challan is yet to be presented and FSL report with regard to recovered fire arm is yet to be received. The contention is that it is a case where a well knitted gang was operating not only to supply the narcotic substances but also weapon.

Without commenting upon the merits of the case, petition for grant of bail is rejected. The matter is still under investigation. It is not a case of merely name surfacing in disclosure statement but there is a recovery of unlicensed fire arm along with live cartridges from the petitioner. There is not even hint of argument or a reason put forth by the petitioner for false implication. The mere fact that there is no earlier involvement of petitioner in a criminal case itself would not be a ground to allow the petition.

(AVNEESH JHINGAN)
JUDGE

18th FEBRUARY, 2021

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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>