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

CRM-M-25877-2021

DECIDED ON: 16th JULY, 2021

SUMIT VEER @ SHUBHAM

PETITIONER

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. L.S. Sidhu, Advocate for the petitioner.

Ms. Monika Jalota, Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

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

[2] This is a petition seeking regular bail in case FIR No.168, dated 5th November, 2020, under Sections 21 and 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'Act') and Section 25 of Arms Act, 1959 (Section 29 of the Act and Section 120-B; 482 of Indian Penal Code 1860 and Section 192 of Motor Vehicles Act, 1988 added later on), registered at Police Station Shri Anandpur Sahib, District Rupnagar.

[3] The police received a secret information that Bunty Lubana and Neeraj Kumar were indulging in selling of illegal weapons and intoxicating substances. They are bringing the weapons and intoxicant from other States for selling in District Rupnagar. Acting on the information, nakabandi was

search, the police recovered 270 grams intoxicating powder, 2 pistols of .32 bore and 8 live cartridges from Neeraj, whereas from Bunty Lubana recovery was of 218 grams intoxicating powder, 2 pistols of .32 bore alongwith six live cartridges. The powder recovered was later found to be Tramadol Hydrochloride.

[4] During the investigation, it was disclosed that their gang included three more persons namely Akshay Kumar @ Abbu, Sumit @ Subham (Petitioner) and Rahul. On the basis of the said information the petitioner was nabbed and .32 bore pistol, 2 live cartridges, 118 grams intoxicating powder were recovered from him.

[5] Learned counsel for the petitioner contends that it is a case of false implication. Petitioner was nominated on the basis of disclosure statement. Petitioner has no criminal antecedents and recovery from him is a separate recovery, not to be connected with the FIR.

[6] Learned State counsel, on instructions from ASI Harbans Singh, Submits that as per the disclosure statements of Bunty Lubana and Neeraj, a raid was conducted at Kapil Dhaba, Nangal and three persons including the petitioner were apprehended. She further submits that total recovery from all the accused comes to 606 grams intoxicating powder. She vehemently opposes the prayer for grant of bail and submits that accused are involved in selling of Narcotic Substances as also of illegal weapons.

[7] Without commenting upon the merits of the case, petition for grant of bail is rejected. It is not a case where there is a mere disclosure statement on which the petitioner was nominated. There is a recovery of Narcotic Substances as well as illegal weapons alongwith live cartridges.

There is no reason forthcoming for false implication of the petitioner.

Working on a tip received by the police, Bunty Lubana and Neeraj were arrested, it was during the investigation that three more persons including petitioner were apprehended and recoveries were made. Though there are individual recovery of Tramadol Hydrochloride and weapons from each of the accused but the total quantity recovered is an indicator to support the information received by the police that all the accused were dealing in selling of Narcotic Substances and illegal weapons.

[8] The petition is dismissed.

[9] It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

16th July, 2021
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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |