

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

CRM-M-45977-2021
Date of Decision: 26th November, 2021

Rahul Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Vivek K. Thakur, Advocate for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab for the respondent-State.

AVNEESH JHINGAN , J.(Oral)

1. This second petition before this Court under Section 439 Cr.P.C. is filed seeking regular bail in FIR No.168, dated 5th November, 2020, under Sections 21, 22 of the NDPS Act, 1985, Section 25 of the Arms Act, 1959 and subsequently added offences under Section 29 of the NDPS Act, Section 120-B, 482 of the IPC and Section 192 of the Motor Vehicle Act, registered at Police Station Anandpur Sahib, District Rupnagar.

2. The police acting upon a secret information on 5th November, 2020, apprehended Neeraj Kumar @ gaggu and Bunty Lubana, while they were riding the motorcycle. From the possession of Neeraj Kumar @ gaggu, 270 grams of tramadol powder, two unlicensed pistols .32 bore each, eight live cartridges and from Bunty 218 of grams tramadol powder, two pistols .32 bore each along with six live cartridges were recovered. During investigation the accused named three more persons including Rahul Kumar stating that they are also involved in the

crimes committed by them. From the petitioner there was recovery of .32 pistol and two live cartridges.

3. Learned counsel for the petitioner submits that it is a case of false implication. Petitioner was named in the disclosure statement, no contraband is recovered from him and he is not involved in any other criminal case. Petitioner is in custody since 5th November, 2020 and investigation is complete.

4. Learned State counsel opposes the prayer for grant of regular bail. He submits that there was a recovery of unlicensed weapon from the petitioner.

5. Considering the fact that no further recovery is to be made from the petitioner, his name surfaced in a disclosure statement, there is no recovery of the contraband from him, investigation is complete and petitioner has no criminal antecedents, co-accused was granted bail by this Court, he is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. The petition is allowed.

7. 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

26th November, 2021

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No