

**208 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-38116-2022**

Date of Decision: 15th December, 2022

Summit Veer @ Shubham

.. Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Vivek K. Thakur, Advocate for the petitioner.
Mr. Arun Luthra, DAG, Punjab.

AVNEESH JHINGAN , J.(Oral)

This petition is filed seeking regular bail in FIR No. 168, dated 5th November, 2020, under Sections 21, 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), Section 25 of the Arms Act, Section 120-B and 482 of Indian Penal Code, 1860 and Under Section 192 of the Motor Vehicle Act, registered at Police Station Anandpur Sahib, District Rupnagar, Punjab.

2. Learned counsel for the petitioner claims parity with co-accused Akshay Kumar @ Abu who was granted regular bail by this court on 25th November, 2021. He submits that petitioner is in custody since 5th November, 2020; .32 bore pistol, two live cartridges and one hundred eighteen grams of intoxicating powder containing Tramadol Hydrochloride salt was recovered from him. He further submits that petitioner is not involved in any other case.

3. The following order was passed by this Court on 25th November, 2021 in CRM-M-48543 of 2021:-

“Due to COVID-19 situation, the Court is convened through video conference.

This third 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.

3. *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 Akshay Kumar @ Abu (petitioner) stating that they are also involved in the crimes committed by them. From the petitioner there was recovery of point .32 pistol and three live cartridges.*

4. *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.*

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

6. *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, he is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.*

7. *The petition is allowed.*

8. *It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.”*

4. Learned counsel for the State though opposes the prayer for grant of bail but on instructions from ASI Balbir Singh fairly submits that challan has been presented. He is not in a position to distinguish the case of the petitioner qua the co-accused so far as grant of bail is concerned. It is not disputed that recovered narcotic substance was of non-commercial quantity and petitioner is not involved in any other case.

5. Without commenting on the merits of the case, on the basis of parity of petitioner vis-a-vis co-accused so far as grant of bail is concerned, petitioner has no criminal antecedent and though the investigation is complete conclusion of trial is likely to take time, the petitioner 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. However, 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

15th December, 2022

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No