



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

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CRM-M-19952-2024
Date of Decision.:14.05.2024

Ashwani Kumar
Vs.
State of Punjab

.....Petitioner
.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.05 dated 04.01.2024 registered under Sections 21(b), 25, 27(a) of NDPS Act & Section 25, 27 of Arms Act registered at Police Station City Gurdaspur, District Gurdaspur.

2. Short reply by way of an affidavit of Shri Mohan Singh, PPS, Deputy Superintendent of Police, City, District Gurdaspur has been filed on behalf of respondent- State.

3. As per prosecution allegations, on the basis of secret information, co-accused Sonu Kumar and Rahul Kumar were apprehended by a police party on 04.01.2024 while riding a motorcycle. On search of Sonu Kumar, one pistol of .32 bore, 08 live cartridges besides 10 grams of

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Heroin and drug money of ₹3,000/- was recovered. The search of Rahul Kumar resulted in recovery of one single barrel of .12 bore besides 12 live cartridges of rifle SBBL and also the drug money of ₹3,000/-. Both these co-accused Sonu Kumar and Rahul Kumar were interrogated and based on the disclosure statement suffered by them, shop of the petitioner was searched, which resulted in recovery of one pistol (country-made) of .32 bore, besides 07 cartridges of .32 bore, apart from a revolver and two magazines. According to Sonu Kumar and Rahul Kumar they had purchased these weapons from one Bablu of Bihar and had kept the same in the shop of the petitioner.

4. It is contended by learned counsel that petitioner has been falsely implicated; that he is running a shop of tailor, which shop is situated in densely populated area; that petitioner was not even present at his shop when the alleged recovery was effected nor any independent witness from the locality was involved; that there is no link evidence to connect the accused with the co-accused; that petitioner is ready to join the investigation and so, he be allowed bail.

5. Strongly opposing the bail petition, learned State counsel contends that recovery of illegal arms and ammunition has been effected from the shop of the petitioner and that custodial interrogation of the petitioner will be required in order to unearth the entire truth.

6. Heard.

7. Having regard to the nature of the allegations against the



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petitioner and the fact that recovery of arms and ammunition has been effected from the shop of the petitioner, this Court is not inclined to grant the benefit of bail to the petitioner.

Dismissed.

(DEEPAK GUPTA)
JUDGE

May 14, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No