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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ BAIL APPLN. 2300/2016 and CrI. M.A. No. 17533/2016

HANS RAJ @ HANSE

..... Petitioner

Through: Mr. J.P. Singh, Advocate.

versus

THE STATE NCT OF DELHI

..... Respondent

Through: Mr. Rajat Katyal, APP and Ms. Ankita Goyal, Advocate along with SI Kuldeep Bhoriya, Special Cell/NR, for the State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

10.11.2016

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1. The petitioner has preferred the present bail application under Section 438 Cr.P.C. to seek anticipatory bail in case FIR No.6/2015 under Section 420/ 467/ 468/ 120B IPC and Section 25 of the Arms Act.

2. The crux of the allegation against the petitioner is that the petitioner forged and fabricated documents so as to obtain arms license from Deputy Commissioner, District – Dimapur, Nagaland even though he is permanent resident of Delhi, by showing a local address in Nagaland. The FIR shows that the petitioner took advantage of a racket being run by a person called Ramesh Kadian. There were 29 such persons, who had obtained arms

licenses and whereafter procured the arms in the aforesaid manner.

3. The submission of learned counsel for the petitioner is that the petitioner is ready & willing to join the investigation. He further submits that several of the other accused, who had similarly obtained licenses, have already been granted anticipatory bail and he, therefore, deserves to be treated at parity.

4. On the other hand, Mr. Katyal, learned APP points out that the case of the petitioner is different. Firstly, those who have been granted pre-arrest bail have surrendered their licenses and other documents as well as the fire arms. However, the petitioner does not cooperate and has not provided any of the documents or even the firearm. Moreover, the petitioner has at least two known past involvements, i.e. in case FIR No.732/2000 under Section 365/ 342/ 506/ 34 IPC registered at PS – Sultanpuri; and in case FIR No.684/2008 under Section 307/ 34 IPC and Sections 25 & 27 of the Arms Act registered at PS – Rohini.

5. In view of the aforesaid position, I am not inclined to grant pre-arrest bail to the petitioner. The entire conspiracy needs to be unearthed and the recovery of the documents apart from recovery of firearm is to be made.

6. The petition is dismissed in the aforesaid terms.

VIPIN SANGHI, J

NOVEMBER 10, 2016

B.S. Rohella