

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

Criminal Misc. M- No. 3227 of 2015 (O&M)

Date of decision : 06.02.2015

Dinesh @ Palta

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. K.B. Raheja, Advocate
for the petitioner.

Mr. Pawan Girdhar, Addl. AG, Haryana

LISA GILL, J.

The petitioner prays for anticipatory bail in FIR No. 811 dated 13.08.2014 registered under Sections 420, 467, 468, 471 IPC and 25, 54, 59 of Arms Act at Police Station City Sirsa.

Learned counsel for the petitioner contends that the petitioner has not been named in FIR. He is sought to be nominated only on the disclosure statement of co-accused Kapil Dev which in any case is not admissible. Furthermore, said Form 16, which the petitioner is alleged to have prepared in a fraudulent and illegal manner has already been recovered from the house of Kapil Dev. No recovery is to be effected from the present petitioner. Police of Police Station Sirsa has no jurisdiction in this matter as the petitioner is a resident of Ferozepur presently residing at Delhi.

Learned counsel for the petitioner also submits that Form 16 allegedly prepared by the petitioner is in respect to purchase

of cartridges which have not been recovered. Co-accused Kapil Dev has purchased the weapon recovered from him from the shop of his own father, who has not been named as an accused in this case. Co-accused Lakha @ Kamal Kant from whom the alleged weapon was purchased in exchange of 2000 cartridges in respect to which Form 16 was prepared by the petitioner has been granted regular bail.

Learned counsel relies on **Naresh Kumar versus State of Punjab** 2010 (1) R.C.R. (Criminal) 318 and **Laxmi Narain versus State of Haryana** 2010 (1) R.C.R. (Criminal) 485 to say that when the offence is based on documentary evidence, custodial interrogation should not be resorted to.

Learned counsel for the State while vehemently opposing this petition submits that the petitioner is in fact involved in a racket of sale and purchase of illegal arms and ammunition. The petitioner is involved in the preparation of forged documents to facilitate sale and purchase of the same. Recovery of fake seal etc. has to be effected from the petitioner. Custodial interrogation of the petitioner is vital in this case to get a further insight/information into this racket.

I have heard learned counsel for the parties. The petitioner is allegedly involved in a racket of sale and purchase of illegal arms and ammunition. He is specifically alleged to be involved in preparation of forged and fraudulent documents for facilitating sale and purchase of illegal arms and ammunition. In such a situation, it cannot be said that the entire case is based purely on the

documentary evidence thereby entitling the petitioner to the benefit of anticipatory bail.

Co-accused Kapil Dev was admittedly apprehended at Sirsa. It is also informed by learned counsel for the State, on instructions from SI Kirshan Chand, that two rifles were also purchased from Fatehabad by Kapil Dev on the basis of Form 16 allegedly prepared by the petitioner. Contention that Sirsa police has no jurisdiction is not tenable. Decision in the cases of Naresh Kumar and Laxmi Narain (supra) granting bail to petitioners therein, in any case not being a precedent are otherwise also not applicable to the facts and circumstances of the case.

In view of above, I find no ground to extend the benefit of anticipatory bail to the petitioner.

Dismissed.

February 06, 2015
rts

(LISA GILL)
JUDGE