

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-41825-2021
Date of Decision: 11.10.2021

Mohammad Asif

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Naresh Kumar, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab
assisted by SI Manjit Lal.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.115 dated 26.07.2021 at Police Station Garhshankar, District Hoshiarpur, under Sections 25 of Arms Act.
2. As per the case of prosecution, on 26.07.2021 when the police party was present at Chandigarh Chowk, Garhshankar in connection of checking, then a scooter, on which two persons were riding, were signalled to stop. While the driver of the scooter disclosed his name as Sukhpal Singh, the pillion rider disclosed his name as Amrinder Singh. Upon search, a countrymade pistol alongwith 3 live cartridges

were recovered from Sukhpal Singh and 1 countrymade pistol was also recovered from Amrinder Singh.

3. It is the case of prosecution that during the course of interrogation, the aforesaid co-accused disclosed that the said pistols had been supplied to them by Mohammad Shamshad Ansari for an amount of Rs.40,000/-. Upon arrest of Mohammad Shamshad Ansari, 5 countrymade pistols, 6 magazines and 10 cartridges were recovered. Upon interrogation of said Mohammad Shamshad Ansari, he disclosed the names of Ashwani Kumar and Mohammad Asif. Pursuant to the said information, barricading was held and a car bearing registration No.UP-14-BW-0906 was intercepted. Ashwani Kumar was found to be driving the car while Mohammad Asif (petitioner) was found sitting on the front passenger seat. Upon checking, two pistols alongwith cartridges were recovered from underneath his seat.
4. Learned counsel for the petitioner has submitted that he has been nominated on the basis of disclosure statement made by co-accused, who himself was nominated pursuant to a disclosure statement made by another co-accused and that no evidentiary value can be attached to such like statements.
5. Opposing the petition, learned State counsel has submitted that although the petitioner has been nominated on the basis of disclosure statement, but the factum of recovery of two pistols and cartridges from the petitioner when he was apprehended clearly shows his complicity and as such he does not deserve the concessions of bail. Learned State counsel has, however, informed that the petitioner as

on date has been behind bars since the last about 2 months and that challan already stands presented. It has also been informed that the petitioner is not involved in any other case.

6. I have considered rival submissions addressed before this Court.
7. Having regard to the facts and circumstances of the case particularly that the petitioner is stated to be having a clean record and challan already stands presented, further detention of the petitioner will not serve any useful purpose as the conclusion of trial is likely to consume time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

11.10.2021

(GURVINDER SINGH GILL)

VY

JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**