

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-5380-2022 (O&M)

Date of Decision:- 20.7.2022

Mohd. Kamil

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arun Chander Sharma, Advocate, for the petitioner.

Mr. Rahul Mohan, DAG, Haryana,
assisted by ASI Karambir.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.19 dated 17.1.2019, Police Station Taraori, District Karnal, under Sections 25, 54, 59 of Arms Act and Sections 148, 149, 302, 392 of Indian Penal Code, wherein offences under Sections 102-B, 212, 216 and 420 IPC were added later on.
2. At the time of issuance of notice of motion the following order was passed on 9.2.2022:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.19 dated 17.1.2019, Police Station Taraori, District Karnal under Sections 25, 54, 59 of Arms Act and Sections 148, 149, 302, 392 of Indian Penal Code, wherein offences under Sections 102-B, 212, 216 and 420 IPC were added later on.

The FIR in question was lodged at the instance of Ram Kumar, wherein it is alleged that Jabra, Krishana, Sunny Mass, Jachak, Dalbir, Manjit Singh and Pawan had fired at Vikas, nephew of the complainant, and had killed him.

Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and has been subsequently implicated falsely in this case on the basis of alleged disclosure statement made by co-accused Sudhanshu, who himself is not named in the FIR. Learned counsel has further submitted that in the disclosure statement dated 2.4.2021 (Annexure P-3), the aforesaid Sudhanshu had disclosed that about 2½ years back 2 boys, who disclosed their names as Satish and Naveen and who were accompanied by a boy namely Kuldeep @ Puti Valmiki, had approached him and stated that since they have enmity in the village, they needed some ammunition. Sudhanshu further disclosed that he arranged for arms and ammunition from his friend Kamil (petitioner) and gave the same to the aforesaid person for an amount of Rs.6 lakhs.

Learned counsel for the petitioner has next submitted that no authenticity can be attached to the said disclosure statement inasmuch as the aforesaid Sudhanshu had suffered another disclosure statement (Annexure P-2) on the same very day, wherein he had named one Hasim Muslim to be the

supplier of the arms and ammunition instead of the petitioner.

Notice of motion for 20.7.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioner has submitted that he has been nominated on the basis of a disclosure statement made by co-accused after more than 2 years of lodging of the FIR and that even if for the sake of arguments the said disclosure statement is taken to be correct, the same only attributes the role of a supplier of arms to the petitioner and there is nothing on record to show that he had conspired or had connived with the remaining accused for commission of murder.
4. Learned State counsel, upon instructions from ASI Karambir, has informed that pursuant to interim directions, the petitioner has joined investigation and is not required for custodial interrogation. It has been informed that while there is no other case registered against the petitioner in Haryana, but the particulars as regards his involvement in some other State are not available at the moment.
5. Having regard to the facts and circumstances of the case particularly the fact that the allegations against petitioner mainly pertain to supply of arms and do not pertain to the murder of the victim and in view of

the fact that the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition merits acceptance and is hereby accepted. The interim directions issued by this Court vide order dated 9.2.2022 is hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

20.7.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No