

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-12836-2022(O&M)
Date of decision:05.09.2022

UMAR MOHAMMAD

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present : Ms. Rosi, Advocate
for the petitioner.

Mr. Arun Beniwal, DAG, Haryana.

GURVINDER SINGH GILL. J. (ORAL)

The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.08, dated 18.01.2022, Police Station Bicchor, District Nuh, under Sections 420, 467, 468, 469 of the Indian Penal Code and Sections 25 and 54 of Arms Act.

At the time of issuance of notice of motion, the following order was passed on 04.04.2022.

“CRM-11388-2022

Application is allowed as prayed for subject to all just exceptions.

CRM-12199-2022

In view of the reasons mentioned in the application, the same is allowed and the documents annexed with the application are taken on record as Annexures P-1 and P-2 subject to all just exceptions.

CRM-M-12836-2022 (Main Case)

The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.08 dated 18.1.2022, Police Station Bicchor,

District Nuh, under Sections 420, 467, 468, 469 of Indian Penal Code and Sections 25 and 54 of Arms Act.

The FIR in question was lodged on the basis of secret information received by the police to the effect that Arbaj and Wasim were committing online fraud with the help of SIMs obtained by furnishing fake particulars and names and were also possessing illegal weapons. The information was further to the effect that on the given day, they were proceeding from Hathangaon to their Village Aminabad. Pursuant to receipt of said information, barricading was held. A motorcycle on which two persons were riding was signaled to stop but the person driving the motorcycle, upon noticing the police party, turned back and as a result of which the motorcycle slipped. While one of the person managed to escape under the darkness, the other one was arrested by the police and who, upon inquiries, disclosed his name as Wasim. Upon his search a country made fully loaded pistol was recovered from him apart from a motorcycle. Upon inquiries, he had disclosed the name of person, who had run away, as Arbaj. He further disclosed that he alongwith his brother Arbaj used to take SIMs in the name of other persons and used to post particulars of weapons so as to sell the same. It is further the case of prosecution that during he course of investigation one Anwar was apprehended and from whom also a country made pistol alongwith cartridges and a mobile phone was recovered. It is further the case of prosecution that said Anwar, during the course of interrogation, disclosed that they used to procure the weapons from the petitioner Umar Mohammad.

Learned counsel for the petitioner submits that the petitioner was never ever found at the spot and has been nominated on the basis of a disclosure statement, which would not carry any evidentiary value. Learned counsel

has further submitted that the petitioner otherwise has a clean record and has been falsely implicated.

Notice of motion for 5.9.2022.

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. “

Learned State counsel, upon instructions from ASI Krishan Kumar, has informed that pursuant to interim order dated 04.04.2022, the petitioner has joined the investigation and has also got recovered one countrymade pistol. Learned State counsel has informed that the petitioner is not involved in any other case.

Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and he is not stated to be involved in any other case, the petition is accepted and the interim directions issued by this Court vide order dated 04.04.2022 are 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.

(GURVINDER SINGH GILL)
JUDGE

05.09.2022

Amandeep

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>