

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 23436 of 2022

Date of Decision: 04.8.2022

Mehfooj alias Fauji

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Mazlish Khan, Advocate
for the petitioner.

Mr. Sumit Gupta, Addl. A.G., Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C., seeking the indulgence of regular bail, to the petitioner.

2. In FIR bearing No. 342 of 18.8.2021, registered at Police Station Industrial Sector-29, Panipat, District Panipat, an offence constituted under Section 25(1AA) of the Arms Act, 1959, is embodied.

3. The present petitioner was nabbed at the crime site, by the investigating officer concerned, and, on search of the bag, hung on his back, the police recovered five country made pistol, and, ten magazines. Moreover, during the course of his custodial interrogation, the present petitioner revealed to the investigating officer concerned, that he had also purchased 13 country made pistols, from Bachan Singh @ Bachi Yadav.

4. Though, in the wake of the above, it appears that the present petitioner, after making purchases of illicitly manufactured pistols, at Madhya

Pradesh, from Bachan Singh @ Bachi Yadav, his selling them further to

purported gangsters.

5. Be that as it may, since the present petitioner is in judicial custody since 18.8.2021, thereupon, the above prolonged judicial custody of the present petitioner, is not required to be prolonged any longer, as then it would unnecessarily fetter, and, curtail his personal liberty. Moreover, when, at this stage, no evidence has been adduced by the prosecution, suggestive of the fact, that in the event of the bail petitioner being enlarged on regular bail, there is every likelihood of his fleeing from justice, and/or, tampering with prosecution evidence.

6. However, since the present petitioner is involved in a large scale trade of selling illicitly manufactured arms, thereupon, for curbing the above, it is deemed fit, and, appropriate to direct that if in future, he is found to be re-indulging in the offences, as embodied in the petition FIR, thereupon, he shall become forthwith arrested by the investigating officer concerned, and, shall become produced before the learned Judicial Magistrate concerned, for an order for his being put to judicial custody, being made by the jurisdictionally empowered Magistrate. Moreover, also he may forfeit his right to claim even relief of pre arrest bail or regular bail.

7. With the above condition precedent, the instant petition is allowed, and, the petitioner-bail applicant is ordered to be released from judicial custody, if not required in any other case. However, the granting of bail to the bail applicant-petitioner, is subject to his furnishing personal and surety bonds in the sum of Rs. 50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, also his not influencing prosecution witnesses, and, besides also his appearing before the trial Court concerned, as and when directed to make his personal appearance unless

validly exempted.

8. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

9. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

August 04, 2022
Gurpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No