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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27436-2022
Date of Decision: 14.07.2022

Najar

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Afzal Hussain, Advocate, for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No. 28 dated 14.01.2022, under Sections 25(1) (C) (E), 29 (B) of Arms Act, registered at Police Station Hodal, District Palwal.

It has been submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in the present case since he was earlier involved in another FIR No.268 dated 13.09.2019, under Section 25 of the Arms Act at Police Station Crime Branch, Delhi and it was only because of this reason that the petitioner was implicated in the present case and there was no recovery from the petitioner. He further submitted that the name of the petitioner was nominated only on the basis of the disclosure statement which is not permissible in evidence and, therefore,

has prayed for the grant of anticipatory bail.

On the other hand, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has stated that he has received an advance copy of the present petition and has also sought instructions in this regard. He further submitted that it is a case where there was a recovery of 13 country made pistols from the co-accused and as per the disclosure statement of the co-accused namely Sanjeed @ Hanif, he purchased the same from the present petitioner and the petitioner does not have clean antecedents and he was also involved in the another FIR No.268 dated 13.09.2019 wherein there was a recovery of 10 country made pistols and 10 live cartridges from the petitioner. He further submitted that the mere fact that in the present case the name of the petitioner has been nominated on the basis of disclosure statement would not vest a right to the petitioner for grant of anticipatory bail in view of the magnitude and seriousness of the offence and also in view of the fact that from the petitioner himself there was a recovery of 10 country made pistols and 10 live cartridges in other case at Police Station Crime Branch, Delhi and has therefore vehemently opposed the grant of anticipatory bail to the petitioner.

I have heard the learned counsel for the parties.

Although the name of the petitioner was nominated on the basis of a disclosure statement of the co-accused but the recovery from the co-accused was huge and it was 13 illegal pistols and in other case in which the petitioner was involved where there was a huge recovery of 10 country made pistols and 10 live cartridges from the petitioner. In view of the magnitude and seriousness of the offence, this Court does not deem it fit and proper to grant anticipatory bail to the petitioner.

Consequently, finding no merit in the present petition, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

14.07.2022
rakesh

(JASGURPREET SINGH PURI)
JUDGE

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