

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

109

CRM-M-32658-2022

Date of Decision : **July 28, 2022**

RAVI KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.93 dated 14.4.2022 under Section 25 of Arms Act, registered at Police Station Ding, District Sirsa.

It has been submitted by the learned counsel for the petitioner that in the present case, the petitioner has been falsely implicated merely on the basis of disclosure statement made by one co-accused, namely, Gulshan @ Sheru from whom the police had confiscated two 32 bore pistols, one country made pistol was recovered from the left pocket and another country made pistol from right pocket alongwith two magazines which were although found to be empty. He submitted that the petitioner is innocent and the name was mentioned in the FIR as that of 'Mixer' which according to the aforesaid co-accused, namely, Gulshan @ Sheru on disclosure stated that he had bought these two pistols from him. The name of the petitioner is Ravi Kumar. So far

as the name mentioned in the FIR i.e. Mixer whose name was disclosed by the co-accused, namely, Gulshan @ Sheru is concerned, he is the petitioner himself. He submitted that there is no sufficient material available with the police to connect the petitioner with the present offence.

On the other hand, Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana has submitted on instructions from HC Kulwant that it is a case where co-accused Gulshan @ Sheru was caught alongwith two illegal weapons and it has been so stated in the FIR itself that when he was caught then he disclosed the name of the present petitioner from whom he had brought these pistols for about 10-15 days ago and has mentioned the name of the person as Mixer resident of village Chautala. Thereafter verification was made as to what is the real name of Mixer or Mikchar and on the basis of the verification made from the Chowkidar of the village and even from the father of the petitioner it was found that the present petitioner was called by the name of Mixer. He submitted that the custodial investigation of the petitioner was required in order to ascertain as to from where he got these pistols and in such like matters where country made weapons are involved the custodial investigation is required for the purpose of qualitative interrogation and has also relied upon the judgment of the Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma (1997) 7 SCC 187**.

I have heard the learned counsels for the parties.

So far as the identity of the petitioner whose name is stated to be Ravi Kumar in the present petition with that of the person named in

the FIR as Mixer is concerned, the learned counsel for the petitioner during the course of arguments has himself stated that Ravi Kumar and Mixer are the same persons and apart from the same, the police had also verified the same from the Chowkidar of the village as well as from the father of the petitioner that the petitioner is called by the name of Mixer. The allegation against the petitioner is that the co-accused, namely, Gulshan @ Sheru from whom two country made pistols and magazines were found had brought them from the present petitioner about 10-15 days ago.

In view of the aforesaid position, the argument raised by the learned State counsel that in such like cases of illegal weapons the custodial investigation would elicit more qualitative results does carry weight and cannot be ignored. The offences pertaining to the use of country made illegal pistols is on the rise and, therefore, considering the gravity and magnitude of the present case, the present petitioner does not deserve the concession of anticipatory bail.

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

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

July 28, 2022
ajay-1

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No