

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35195-2023
Date of Decision:17.08.2023

Pawan Kumar

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Randeep S. Dhull, Advocate,
for the petitioner.

Mr.P.K. Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.

Status report by way of affidavit of Sh. Aman Kumar, HPS,
Deputy Superintendent of Police, STF Unit, District Ambala, on behalf of
the State/respondent is filed today in Court and the same is taken on record.

By way of this petition filed under Section 438 Cr.P.C.,
petitioner has prayed for grant of anticipatory bail in case FIR No.330 dated
23.05.2023 registered at Police Station Shahabad (M), District Kurukshetra
under Sections 25, 25(6) of the Arms Act, 1959.

2. As per allegations, secret information was received on
23.05.2023 against co-accused Vicky Garg @ Lala, an affiliate of Bishnoi
Gang and involved in various cases to the effect that on that day, he was
carrying large quantity of illegal arms and ammunitions and was awaiting
the arrival of one of his associates. Raid was conducted. Said Vicky Garg
@ Lala was apprehended and from his possession, 4 country made pistols, 2
country made *kattas* and 14 live cartridges were recovered without any
license. During interrogation, said co-accused Vicky Garg @ Lala disclosed

that he along with present petitioner Pawan Kumar and Vishal had gone to Gorakhpur for purchase of illegal weapons in Honda City Car and had taken 6 country made pistols, 2 desi kattas and 21 live cartridges from Manish Yadav of Gorakhpur.

3. It is contended by Id. Counsel that no recovery was effected from the petitioner; that whatever recovery of arms and ammunitions is there; that has been effected from co-accused; that petitioner is sought to be implicated only on the basis of disclosed statement; that petitioner is ready to join investigation and so, he be allowed anticipatory bail.

4. Strongly opposing the bail petition, Id. State counsel not only pointed out towards the nature of allegations against the petitioner, but also the criminal antecedents of the petitioner, inasmuch as he is involved in 5 other criminal cases and is member of Lawrence Bishnoi Gang. Id. State counsel further submitted that custodial interrogation of the petitioner is required having regard to the disclosure statement suffered by the co-accused to the effect that petitioner had accompanied him for purchasing the illegal arms and ammunitions.

5. After hearing both the sides and having regard to the nature of allegations against the petitioner, but without commenting anything further on the merits of the case, this Court finds it to be not a fit case to grant anticipatory bail to the petitioner.

Dismissed.

(DEEPAK GUPTA)
JUDGE

17.08.2023

Vivek

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No