



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-6509-2024
Date of decision:22.05.2024

Mahesh YadavPetitioner.

Versus

State of HaryanaRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Himanshu Joshi, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, DAG, Haryana.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C,
the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as
under: -

FIR No.	Dated	Sections	Police Station
639	09.09.2023	386, 506, 201, 120-B IPC and 25 of Arms Act	City Narnaul, District Mahendragarh, Haryana

2. It is, *inter alia*, contended by learned counsel for the
petitioner that the petitioner is innocent and has been falsely implicated
in this case. He further contends that the petitioner is not named in the
FIR but has been nominated on the alleged disclosure statement of the
co-accused, namely Dilawar @ Bittu. He contends that the petitioner



has no concern with the alleged transaction. Hence, he prays for grant of anticipatory bail.

3. *Per contra*, learned State counsel, while referring to the status report dated 23.02.2024, submitted that the petitioner is a habitual offender having 18 criminal cases registered against him. He contends that although the petitioner is not named in the FIR but during the interrogation of the co-accused (*supra*), it has specifically been transpired that the petitioner had supplied him country made pistol used in the crime which was recovered from the said accused. He submitted that the custodial interrogation of the petitioner is required to unearth the *modus operandi* and his source from where he procured the country made pistol which is relevant considering the criminal history of the petitioner and his involvement in number of cases/crimes, hence, he prays for dismissal of the same.

4. After considering the rival contentions and perusing the record, it transpires that the instant case was registered on the complaint moved by the complainant on 09.09.2023 that he is doing business of crusher and on 08.09.2023 at about 5.00 P.M. while he was present in his office then unknown persons demanded Rs. 10.00 lacs to be paid within a period of 05 days from him by calling on his mobile number and also threatened to kill him in case of failure to make the said payment. Accordingly, the FIR was got registered and investigation started during the course of which the police apprehended



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Dilawar @ Bittu and Surender @ Bholu. During the course of interrogation, the disclosure statement made by the said Dilawar @ Bittu that the country made pistol recovered from him was supplied by the petitioner.

5. Considering the rival contentions and in the light of the facts and circumstances of the case, it transpires that the petitioner has been nominated in the case on account of disclosure statement made by the co-accused, Dilawar @ Bittu, hence, the custodial interrogation of the petitioner is required for establishing the fact as to where from he had procured the illegal weapon which becomes more prominent keeping in view the criminal history of the petitioner being involved in as many as 18 criminal case in different police stations to the effect that the country made pistol recovered from the said co-accused, Dilawar @ Bittu was in fact purchased by him from the present petitioner. Therefore, considering the nature and gravity of the offence, no case is made out in favour of the petitioner for grant of anticipatory bail. As a consequence, instant petition stands dismissed.

6. It is made clear that anything contained here in above shall not be construed to be an expression of opinion on the merits of the case.

22.05.2024

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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |