

2024:PHHC:095884



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-33837-2024 (O&M)
Date of decision: 29.07.2024

Gulam Mustafa Daar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ashish Grewal, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed by the petitioner under Section 439 Cr.P.C., is for grant of regular bail in case bearing FIR No. 123 dated 06.02.2024, registered under Section 180 of IPC and Sections 3, 25(1AA) of the Arms Act, 1959 at Police Station City Yamuna Nagar, Haryana.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 06.02.2024 on the basis of a secret information received by Inspector Kewal Singh that the petitioner and one Sahil were indulged in smuggling of illicit weapons in a car bearing registration number HR-07AD-3669 and if barrier is laid and their car is searched, the recovery of weapons can be effected from their possession. Believing the information to be true, a check post was set up and the aforesaid car was intercepted. The petitioner and Sahil were searched. They were found carrying several weapons. One pistol and magazine were recovered from the possession of the petitioner, while several rods, live cartridges and pistols

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were recovered from the car. They were arrested on the spot. After registration of FIR, investigation proceedings were initiated. During investigation, co-accused Farman was also arrested and Section 29-A of the Arms Act was added. Section 180 IPC was also added, as co-accused Farman refused to sign the disclosure/confessional statement. After completion of necessary investigation and usual formalities, *challan* under Section 173 of Cr.P.C. was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforesaid mentioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 25.06.2024.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. He is in judicial custody since 06.02.2024. No independent witness was joined at the time of effecting alleged recovery. Investigation has since been completed and *challan* has been presented before the Court. The conclusion of trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. Hence, it is argued that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that there are serious and specific allegations against the petitioner. He was named in the secret information. A huge recovery of weapons and live cartridges have been effected from him and co-accused. There are chances of the petitioner's absconding, if extended benefit of bail. The trial may be expedited. Hence, it is argued that the petition is liable to be dismissed.

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5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.
6. As per allegations, the petitioner along with co-accused Sahil was apprehended by the police party on 06.02.2024 and several illegal weapons and live cartridges were recovered from them. On their disclosure statement, co-accused Farman was also nominated in this case as accused. Investigation has since been completed and *challan* has been presented. There is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that the petitioner may abscond, if extended benefit of bail, cannot be stated to be unfounded. Keeping in view the nature of allegations as levelled against the petitioner, the recovery of weapons recovered from him, the quantum of sentence which the conviction may entail as well as the attendant facts and circumstances of the case, this Court is of the considered view that the petitioner does not deserve to be given concession of regular bail, at this stage. Hence, the petition stands dismissed.
7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

29.07.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>