



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

107

CRM-M-46011-2024

Date of decision: 16.09.2024

Mukul Upadhayay

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Vaibhav Parashar, Advocate for the petitioner.

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**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.19 dated 03.02.2024 under Section 25 of the Arms Act, 1959, registered at Police Station B.P.T.P., Faridabad.

2. Learned counsel for the petitioner contends that the false implication of the petitioner in the present case is evident from the fact that he was not named in the FIR which has been annexed as Annexure P-1, and he came to be nominated as an accused later, on the basis of a disclosure statement allegedly suffered by co-accused Atender @ Bhola. Learned counsel submits that the evidentiary value of the disclosure statement allegedly suffered by co-accused is of a weak nature and deserves to be discarded.

3. On a pointed query put, learned counsel has not disputed that the petitioner is involved in a number of criminal cases including cases registered in the State of U.P.

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4. I have heard learned counsel for the petitioner and perused the relevant material on record.

5. Prima facie, there are serious allegations against the petitioner of supplying illegal weapons to the co-accused. Moreover, the petitioner appears to be a habitual offender, as admittedly four other criminal cases of a similar nature stand registered against him, including one in the State of Uttar Pradesh. It is also evident that the petitioner has misused the concession of bail previously granted to him in other cases, as he has been implicated in another similar offence while being on bail.

6. In view of the seriousness of the allegations levelled against the petitioner coupled with his criminal antecedents, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to him. The instant petition stands dismissed accordingly.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

**16.09.2024**

Vinay

**(MANJARI NEHRU KAUL)  
JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |