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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **BAIL APPLN. 2632/2023**

AHMAD ANSARI

..... Applicant

Through: Adv. Sunil Kapoor & Adv.  
Mohammad Suaib.

versus

THE STATE (GOVT. OF NCT OF DELHI )

..... Respondent

Through: Mr. Utkarsh, APP for the  
State with SI Karamvir  
Sangwan & SI Lachchi  
Singh.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER**

**31.01.2024**

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1. The present bail application is filed under section 438 of Code of Criminal Procedure, 1973 ('CrPC'), seeking grant of pre-arrest bail, in FIR bearing no. 0171/2023, registered at Special Cell, under section 25(8) of the Arms (Amendment) Act, 2019.

2. It is alleged that based on an information received by the police, the co-accused, Mohd. Sajid, was apprehended near Vikaspuri, and the police recovered few ammunitions, magazines and illegal weapons in a bag lying in the car, driven by him, which led to the filing of the present FIR.

3. The learned counsel for the applicant submits that the applicant has no role in the alleged incident and his name is not even mentioned in the FIR. The name of the applicant has only



appeared through the disclosure statement of the co-accused, Mohd Sajid.

4. He further submits that the ammunicions and illegal weapons were not recovered from the instance of the applicant but from the co-accused Mohd. Sajid. The only role as alleged by the prosecution was that the car, in which the ammunicions and illegal weapons were recovered, belonged to the applicant.

5. He further submits that the applicant's car was taken by Mohd. Sajid, on 28.06.2023, by portraying that he had to visit his native place to celebrate Eid, for which the applicant has already lodged a complaint at P.S. Sarai Rohilla, on 30.06.2023.

6. The learned counsel for the applicant submits that the applicant has clean antecedents and has aged parents to take care of and two minor children – a six-month-old and a 2-year-old. He is the sole bread earner of the family having a small business of supply of water. The applicant is also a patient of Asthma.

7. He submits that the main accused, from whom the illegal weapons were recovered, was granted regular bail by the learned Chief Metropolitan Magistrate, by an order dated 26.08.2023, and other co-accused Shadab Ali, was granted pre-arrest bail by the learned Additional Sessions Judge, by an order dated 02.08.2023

8. The learned Additional Public Prosecutor ('APP') opposed the pre-arrest bail application on the ground that the applicant is involved in the procurement and supply of illicit weapons, arms and ammunicions to different criminals and gang members in Delhi. He submits that the applicant, although, cooperated in the investigation but could not give satisfactory



answers regarding the deletion of his chats with the other accused persons on the day of the commission of the crime.

9. He submits that the applicant was in constant touch with the other co-accused persons as well as the supplier of the arms. He further submits that the applicant played a pivotal role in introducing co-accused Mohd Sajid to another co-accused Vaseem.

10. He submits that the learned Additional Sessions Judge, by an order dated 02.08.2023, allowed the pre-arrest bail application of the other co-accused Shadab Ali, and rejected the bail application of the applicant and other co-accused Vaseem.

11. The only allegation against the applicant, at this stage, is that he facilitated the procurement of the arms by the co-accused Mohd. Sajid from co-accused Vaseem. It is an admitted case of the prosecution that it is co-accused Mohd. Shahid, who purchased the arms from Vaseem. The co-accused Mohd. Shahid, from whose possession the arms were recovered, has already been granted bail by the learned Trial Court after noting that the arms have been recovered and the custody is no longer required.

12. The allegation that the applicant facilitated the procurement of arms and provided his car for that purpose, is contested by the applicant. It is argued that the car was taken by the co-accused Mohd. Sajid in order to visit his native place. The allegation and the defence in that regard, would be tested during the trial.

13. At this stage, it cannot be said that the custodial interrogation of the applicant would facilitate further

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investigation since the car from which the arms were recovered has already been seized. Moreover, the alleged arms which were allegedly purchased by the co-accused are also seized by the Investigating agency.

14. It is not denied that the applicant has two minor children aged six months and two years and he has no antecedents. The applicant was granted interim protection by this Court by order dated 17.08.2023 and he has since participated in the investigation. Not supporting the case of prosecution, does not amount to not cooperating with the investigation.

15. In view of the above, it is directed that in the event of arrest, the application be released on bail on furnishing a personal bond for a sum of ₹50,000/- with two sureties of the like amount, subject to the satisfaction of the concerned SHO, on the following conditions:

- i. The applicant shall join and cooperate with the investigation as and when directed by the IO;
- ii. The applicant will not leave the boundaries of the National Capital Region without informing the IO/ SHO concerned;
- iii. The applicant shall not contact the complainant / witnesses or tamper with the evidence in any manner;
- iv. The applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

16. In the event of there being any FIR/DD entry / complaint lodged against the applicant, it would be open to the State to seek redressal by way of seeking cancellation of bail.



17. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the Trial and also not be taken as an expression of opinion on the merits of the case.

18. The bail application is allowed in the aforementioned terms.

**AMIT MAHAJAN, J**

**JANUARY 31, 2024**

**“SK”/KDK**