



**219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-50711-2024

Date of Decision: 20.02.2025

Suhail

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Kapil Aggarwal, Advocate for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting him regular bail in case FIR No.195 dated 21.06.2024 under Sections 25(1-AA), 25(1-B)(a) of Arms Act, 1959 (challan was presented under Sections 25(1)(a), 25(1-B)(a), 25(6), 29(B) of Arms Act, 1959), registered at Police Station Pataudi, District Gurugram.

2. As per facts of the case, on 21.06.2024, the Police received a secret information to the effect that Abhishek @ Abhi, Harsh Sharma and Suhail (Suhail) had illegal weapons and will supply the same to gangsters. It was informed that they were standing on the road outside the railway station and if raid is conducted, they could be arrested alongwith the weapons. On finding the information reliable, a raiding team was constituted and raid was conducted, where three boys were found. On asking, they disclosed their names as Abhishek @ Abhi, Harsh Sharma and Suhail. Their search was conducted and on conducting the search, two country made pistol and two live cartridges were recovered. They failed to produce any licence for possession of the same and hence, arrested on the spot. On the registration of the FIR, the investigation commenced. The petitioner approached the Court



of learned Additional Sessions Judge, Gurugram praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 11.09.2024. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently submitted that the petitioner has been falsely and frivolously implicated in the present case. He submits that the FIR in the present case has been lodged on the basis of secret information. He submits that neither any recovery was effected from him nor the petitioner was present at the time of occurrence, rather the case has been falsely planted on the petitioner. He submits that the petitioner has no criminal antecedent as he has never been involved in any other criminal case. He submits that even otherwise, the investigation is complete and charges are framed, however, there is no progress in the trial. He, thus, submits that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the secret information was specifically regarding the petitioner and the co-accused and on conducting raid, recovery of illegal weapons was effected from the petitioner and the co-accused. It is submitted that in all there are seven accused, out of which four accused have been arrested and three accused are yet to be arrested. He has placed on record the custody certificate of the petitioner. On instructions, he has apprised the Court that out of total 13 prosecution witnesses, 01 witness has been examined so far.



5. Heard. It is deciphered from the facts and circumstances of the case that the FIR in the present case is registered on the basis of the secret information. The petitioner alongwith the co-accused was arrested and recovery of alleged illegal weapons was also effected from the petitioner and his co-accused. As per custody certificate, the petitioner has suffered incarceration of 07 months 26 days as on 19.02.2025. It further reflects that the petitioner has no criminal antecedents. The investigation is already complete and charges are framed. Out of 13 prosecution witnesses, 01 witness has been examined.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

20.02.2025

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Whether Speaking/Reasoned :
Whether Reportable :

(RAJESH BHARDWAJ)
JUDGE

Yes/No
Yes/No