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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 821/2025**

SHAKEEL

.....Petitioner

Through: Mr. Ayyub Ahmad and Mr. Anis
Ahmad, Advocates.

versus

THE STATE NCT OF DELHI

.....Respondents

Through: Mr. Manoj Pant, APP for State.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

25.02.2025

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1. The present bail application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (h
2. reafter 'BNSS') has been filed on behalf of the applicant seeking grant of anticipatory bail in case arising out of FIR No. 801/2024, registered at Police Station Wazirabad, Delhi, for offences punishable under Section 25/35 of the Arms Act, 1959.
3. Briefly stated, the facts of the present case are that on 15.12.2024 a secret information was received at P.S. Wazirabad, that a person named Kuldeep @ Lungad was in possession of illegal firearms. Based on the said information, a raiding team was constituted and a raid was conducted at his residence, and a semi-automatic pistol was recovered from him. Thereafter, the present FIR was registered and the accused was arrested. During the course of investigation, the accused Kuldeep had disclosed that he had



purchased the firearms from one Praveen Kumar, who was then arrested on 14.01.2025. On 18.01.2025, two semi-automatic pistols, six country made pistols, and twenty two live cartridges were recovered at the instance of accused Parveen Kumar. In the meantime, during investigation, accused Praveen Kumar had disclosed that he had purchased various arms and ammunitions from one Zulfikar. Accordingly, accused Zulfikar was arrested on 16.01.2025 and two pistols and six live cartridges were recovered from his house. Accused Zulfikar had disclosed that he had purchased four semi-automatic pistols from the present applicant/accused Shakeel. Thereafter, a raid was conducted at the residence of the applicant and two pistols and six live cartridges were recovered from his residence. Notice under Section 35(3) of BNSS was served to the family members of the applicant/accused and the same was also pasted outside the house of the applicant/accused. However, the accused/applicant did not join the investigation.

4. The learned counsel appearing on behalf of the applicant/accused contends that the applicant has been falsely implicated in the present matter, and has no connection with the co-accused Zulfikar, who had named him in the present case. It is also stated that applicant has no criminal history of any sort and is ready to join the investigation. Therefore, it is prayed that the applicant be granted anticipatory bail in the present case.

5. *Per Contra*, the learned APP appearing on behalf of the State vehemently opposes the present application, and argues that allegations against the present applicant/accused are serious in nature. It is stated that two pistols and six live cartridges were recovered from the residence of the present applicant. It is further stated that the applicant was served notice under Section 35(3) of BNSS, but he has not joined the investigation till



date. Therefore, it is prayed that the present anticipatory bail application be dismissed.

6. This Court has heard arguments addressed on behalf of both the parties, and has perused the material available on record.

7. In the present case, the allegations against the present applicant/accused, in brief, are that he had supplied arms and ammunitions to the co-accused persons. Upon receipt of a secret information, an investigation was conducted, which had led to the arrest of one Kuldeep, who had revealed the name of co-accused Pradeep. Pradeep was arrested, who had then disclosed the name of co-accused Zulfikar. Zulfikar had disclosed that he had purchased four semi-automatic pistols and twenty cartridges from the applicant/accused herein.

8. It is also noted that during the course of investigation, a raid was conducted at the residence of the present applicant, wherefrom two pistols and six live cartridges were recovered.

9. This Court's attention has been drawn to the fact that notice under Section 35(3) of BNSS was also served to the applicant on two occasions i.e. 18.01.2025 and 24.01.2025. However, the applicant/accused has not joined the investigation, which is indicative of the fact he is deliberately avoiding the same.

10. Since the allegations against the present accused/applicant are that he was the main supplier of arms and ammunitions, and that part of the same were recovered from his residence, at the instance of the co-accused persons who had revealed his name during investigation, this Court is of the view that his custodial interrogation would be necessary in the present case. Therefore, no ground for grant of anticipatory bail is made out.



11. Accordingly, the present bail application stands dismissed.
12. However, it is clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on the merit of the case.
13. The order be uploaded on the website forthwith.

FEBRUARY 25, 2025/vc

SWARANA KANTA SHARMA, J

Click here to check corrigendum, if any