



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

CRM-M-27121-2025  
Date of decision: 04.07.2025

Samsu @ Shamshuddin ....Petitioner

Versus

State of Haryana ...Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Mohd. Zeeshan Khan, Advocate  
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

**HARPREET SINGH BRAR, J. (ORAL)**

1. The present petition is preferred under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter 'BNSS') seeking anticipatory bail in the case stemming from FIR No.526 dated 17.10.2024 registered under Sections 111(2)(b), 310(4),310(5) of of the Bharatiya Nyaya Sanhita, 2023 (hereinafter 'BNS') and 25(6) of the Arms Act 1959 at Police Station Khedki Daula, District Gurugram.

2. Briefly, the facts, as alleged, are that on 16.10.2024, the police received a secret tip-off indicating that co-accused, Dheeraj, was present in his office located in village Nakhrola, along with 5-7 other individuals, namely Samunder @ Rathi, Sagar, Manish, and Vikas, all of whom were alleged members of the Ashok Rathee gang. It was reported that Samunder and Sagar had earlier issued threats to Mahesh Sharma, an employee of Conscient Company, and had attempted to extort money from him, which he had refused. The group was allegedly conspiring to commit a robbery and to snatch dumpers



from the abovementioned company and also to abduct Mahesh Sharma and the owner of the company. Acting on this information, the police laid a watch near the aforementioned office, where P/SI Lalit Kumar overheard the said people discussing plans to carry out the abduction and loot. They were reportedly armed with pistols and revolvers. Subsequently, the police raided the office and recovered multiple firearms and ammunition from a table within the premises, including four pistols, one revolver, five magazines, and twenty-one live cartridges along with two black Mahindra Scorpio vehicles were taken into custody. Consequently, accused persons were arrested at the scene and upon completion of the investigation, a challan was filed before the Court on 17.12.2024. During the investigation, co-accused Dheeraj disclosed that he had procured four country-made pistols, one revolver, and thirty-five rounds of ammunition from petitioner, Samsudeen.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is not named in the FIR(supra). Further, it is suitable to mention that the recovery alleged in the FIR(supra) has been affected from the co-accused. Furthermore, the petitioner has only been arraigned as co-accused in the present case on the basis of disclosure statement and nothing available on the record connects him to the alleged occurrence. Therefore no custodial interrogation of the petitioner is required. Reliance in this regard is placed on the judgment rendered by the Hon'ble Supreme Court in "***Joginder Kumar Vs. State of U.P, 1994(2) RCR(Criminal) 601(SC)***", "***Maulana Mohd. Amir Rashadi Vs.State of U.P and another,2012(1) RCR(Crl.) 586***"



4. *Per contra* learned State counsel submits that a large quantity of arms and ammunition were supplied to a known gangster namely, Dheeraj by the present petitioner. Further, the question remains unanswered as to how the co-accused came into possession of such a large quantity of weapons. It is pertinent to mention that there are four more FIR's of similar nature registered against the petitioner, making him a habitual offender. Additionally, the petitioner was served the notice thrice, but he failed to join investigation. Therefore, it is urged that the present petition may be dismissed in the interest of justice.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that a large quantity of illegal arms and ammunition was recovered from the possession of co-accused, Dheeraj. Further, the source of the said weapons is yet to be ascertained.

6. The gravity of the offence is further compounded by the fact that the petitioner does not have clean antecedents. As per the prosecution record, four FIRs have already been registered against the petitioner, all of which are under the Arms Act, 1959. The repeated involvements of the petitioner in cases concerning illegal arms suggests a pattern of criminal conduct and are of similar nature to the present case, reflecting a consistent *modus operandi*. The source of the large number of weapons recovered is imperative to unearth the larger conspiracy, if any and therefore, custodial interrogation may be required.

7. In view of the discussion above, this court is of the considered opinion that learned counsel for the petitioner has been unable to indicate any ground for granting the concession of anticipatory bail to the petitioner.



Accordingly, the present petition is dismissed as the petitioner is required for custodial interrogation, to serve the larger interest of justice.

8. Nothing observed here and above shall be construed to be expression of an opinion by this court on the merits of the case. The learned trial court is directed to conduct the trial strictly in accordance with law, without being influenced by anything observed here in above.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**04.07.2025**

*Neha*

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