

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

2025:PHHC:118185



CRM-M-35131-2025 (O&M)
Date of decision: 02.09.2025.

AZRUDDIN @ AJRU QURESHI

...Petitioner(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Mohammad Arshad, Advocate,
for the petitioner.

Mr. Vivek Chauhan, Addl. A.G. Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The present 4th petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case bearing FIR No.129 dated 07.07.2023, under Section(s) 25 (1) (1B), 25 (8) and 29 of the Arms Act, 1959, registered at Police Station Bahin, District Palwal.

2 The prosecution case, in brief, is that on 07.07.2023, when HC Maan Singh along with other police officials were present at Village Bahin, they received a secret information that three young boys would come from village Kot side on a motorcycle bearing registration No. HR-52-F-0804 to

sell country-made pistols. Believing this information to be reliable, a temporary Naka (barricading) was set up. After 15-20 minutes, a red motorcycle bearing registration no. HR-52-F-0804 was seen coming from Uttawar side, on which three boys were sitting. On seeing the police party, they tried to turn the vehicle and run away from there. However, with the help of the police officials, they were overpowered. On enquiry, the boy who was driving the motorcycle, disclosed his name as Sahil @ Chauwan son of Yusuf, resident of Shikarpur, P.S. Sadar Tauru, District Nuh. The boy sitting in between disclosed his name as Azruddin @ Kala son of Babuddin, resident of Shikarpur, P.S. Tauru, District Nuh and the third person sitting as pillion rider disclosed his name as Salman son of Khalil, resident of Kot, P.S. Bahin, District Palwal. On search, two country-made pistols i.e. 12 bore and .315 bore were recovered from Azruddin. On asking, he could not produce any valid licence or permit. A rough sketch was prepared and the motorcycle and both the weapons were taken into possession. On the basis of tehrir, the FIR was lodged. During investigation, one .315 bore country-made pistol with live cartridge was recovered from Sahil and one more country-made pistol.12 bore was recovered from Azruddin.

3 Learned counsel for the petitioner contends that the police apprehended three persons who were travelling on a motorcycle. The petitioner was the one sitting in the middle. One country made pistol was recovered from Sahil while the other pistol was recovered from the petitioner herein. He contends that charge in the present case was framed on 13.12.2023 and the case was fixed for prosecution evidence for 19.02.2024.

Despite lapse of more than 1½ years, only one witness has been examined partly out of 10 witnesses cited by the prosecution. He submits that the petitioner is a young boy and has no criminal antecedents.

4 Learned State counsel, on the other hand, contends that a country made pistol was recovered from the possession of the petitioner, however, he does not dispute that the petitioner does not suffer from any criminal antecedents and as per the custody certificate produced on file, he has undergone actual custody for a period of 02 years, 01 month and 25 days as on 01.09.2025. He further does not dispute that only one witness has been examined partly out of 10 witnesses cited by the prosecution and does not dispute the aforesaid factual aspects noticed above.

5 Having heard the learned counsel for the parties and taking into consideration the period of custody undergone by the petitioner; the stage of the trial wherein only 01 witness has been partly examined out of the 10 prosecution witnesses cited by the prosecution; and the absence of criminal antecedents, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

6 It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

7 The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

8 At the same time, it is noticed that despite specific orders issued for summoning the prosecution witnesses, who are police officials, no reasons worth acceptance are forthcoming as to why the prosecution witnesses who are Government officials are not appearing before the Court.

9 Accordingly, the Superintendent of Police, Palwal, is directed to conduct an inquiry into the reasons as to why the prosecution witnesses have not been appearing for deposition before the Court and to furnish his report within a period of two months from the date of receipt of a certified copy of this order.

September 02, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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