

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

CRM-M No.42119 of 2016
Date of decision: 20th January, 2017

Manjeet Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Manjeet Singh, Advocate for the petitioner.

Mr. Munish Sharma, Asstt. Advocate General, Haryana
assisted by ASI Sajjan Kumar, PS Behl (Bhiwani)
for the respondent/State.

FATEH DEEP SINGH, J.

Allegations against the petitioner Manjeet Kumar in this petition under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.123 dated 17.07.2015 registered at Police Station Behal, District Bhiwani under Sections 420, 467, 468, 471 IPC and sections 25/54 of the Arms Act, 1959 are that he by suppression of material facts depicting himself on the basis of forged documents to be permanent resident of Nagaland had procured arms license and in the process had purchased there a .32 bore revolver from Gun Factory, Kanpur along with cartridges through Field Gun House, Kanpur whereas in fact he was permanent resident of District Bhiwani, Haryana.

Contentions of learned counsel for the petitioner Mr. Manjeet Singh, Advocate are that forgery or fabrication of the documents or

element of misrepresentation, if any, is beyond the territorial jurisdiction of State of Haryana and the arms license was applied for and secured at Nagaland and there is no allegation of commission of any offence under any of the provisions of law in the State of Haryana and that nothing is to be recovered from the present petitioner as the alleged weapon and arms license are already in possession of the police.

Though on behalf of the State, Mr. Munish Sharma, Asstt. Advocate General, Haryana on instructions from ASI Sajjan Kumar, PS Behal, District Bhiwani, Haryana has sought to accept the fact that the petitioner initially or after registration of the FIR had joined the investigation and handed over to the police the weapon and the arms license, however still has sought to oppose the grant of bail to the petitioner on the averments of being a heinous offence.

Appreciating the submissions, the petitioner as per the own stand of the State has joined the investigations, recoveries of alleged arms license and weapon has already been made thus, it is not a case of custodial interrogation. Moreover, lack of territorial jurisdiction being a debatable issue and it would be a travesty of justice to send the petitioner behind bars, impels this Court to allow the prayer made.

In view thereof, in the event of arrest, petitioner is ordered to be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (challan). He shall continue to join investigation and shall furnish an undertaking that he

shall abide by the conditions specified under Section 438 (2) Cr.P.C.
Thereafter, petitioner will be permitted to furnish regular bail bonds to
the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

January 20, 2017

rps

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