

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

CRM-M-34140-2020 (O&M)

Date of decision: 28.10.2020

Sandeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Sachin Dhull, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Sandeep, aged about 24 years, an accused in FIR No.332 dated 14.09.2020, for an offence under Section 25 of Arms Act, registered with Police Station Sadar Jind, District Jind.

Briefly stated facts of the case as per prosecution version are that, on 14.09.2020, on the basis of secret information, a police party from Police Station Sadar Jind conducted search of house of the petitioner situated at Village Ramrai and recovered a country made pistol of .315 bore along with an empty shell of the same bore from the box of the bed (diwan). Search was conducted in the presence of father of the petitioner, namely Mahender and neighbourer Surajmal. The recovered country made pistol along with empty shell were taken into

police possession. Formal FIR in the matter was registered. The investigation in the case started.

Apprehending his arrest in this case, petitioner Sandeep had approached the Court of Sessions at Jind, seeking pre-arrest bail. His such petition was assigned to Addl. Sessions Judge, Jind, who vide order dated 05.10.2020, dismissed the same. Feeling aggrieved, he has knocked at the door of this Court, praying for grant of similar relief.

Notice of motion.

Mr. Tanuj Sharma, AAG, Haryana, accepts notice on behalf of the State and opposes the prayer made on behalf of the petitioner.

I have heard learned counsel for the parties besides going through the record.

Here in the instant case, the allegations against the petitioner are very grave and serious of keeping an illegal fire arm along with an empty shell in his possession. The custodial interrogation of the petitioner is required to find out as to from where he had procured such weapon and where he had fired shot since recovery of empty shell indicates that a shot had been fired from the recovered .315 bore pistol. In case, the custodial interrogation is denied to the investigating agency that shall leave many gaps and loopholes, adversely affecting the investigation, which is uncalled for. Though, learned counsel for the petitioner has contended that it is a false case and is counter blast to FIR No.334 dated 18.09.2020, under

Section 307 IPC and Section 25 of Arms Act, registered with Police Station Sadar Jind but I do not find this explanation to be plausible and satisfactory. The accused in FIR No.334 shall be dealt with in accordance with law but this FIR which was lodged four days earlier to FIR No.334 could not possibly be counter blast to the said FIR. Thus, keeping in view the totality of circumstances, no ground for grant of pre-arrest bail to the petitioner is made out. The petition so moved by him in that regard stands dismissed accordingly.

28.10.2020

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No