

105

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M No.26551 of 2021 (O&M)

Date of decision: 12.07.2021

Pardeep

....Petitioner

Versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

**Present:** Mr. Parminder Singh, Advocate  
for the petitioner.

**ARVIND SINGH SANGWAN J. (Oral)**

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.234 dated 30.06.2021 registered under Sections 25/54/59 of the Arms Act, 1959 at Police Station Sadar Nirwana, District Jind.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered on the basis of a secret information that one Rahul son of Sadhu Ram is keeping illegal fire-arms and is present at a bus stop in village Dhrodi and if a raid is conducted, he can be apprehended. After receiving the information, the police party apprehended Rahul and recovered an illegal pistol from him. It is further submitted that thereafter, Rahul suffered a disclosure statement that he has purchased the pistol from the co-accused Himanshu @ Happy. Thereafter, Himanshu @ Happy was arrested and he made further disclosure statement that he has purchased the same from the present petitioner. It is also submitted that the petitioner is the first cousin of the aforesaid Himanshu @ Happy and there are family

CASE HEARD THROUGH VIDEO CONFERENCING

dispute in the family and therefore, he has been falsely implicated in the case.

Counsel for the petitioner has also argued that Himanshu @ Happy, on whose disclosure statement the petitioner was nominated in the case, has already been released on bail and the petitioner is a young person aged about 24 years and no has such background of involvement in any other criminal case.

Lastly, counsel for the petitioner has referred to the judgment passed by the Hon'ble Supreme Court in ***“Tofan Singh vs State of Tamil Nadu”***, 2013(4) RCR (Criminal) 631, to submit that it will be a debatable issue whether the disclosure statement made by the co-accused will be admissible against the petitioner.

Notice of motion.

Mr. Deepak Grewal, DAG, Haryana who is present in the Court accepts notice on behalf of the respondent – State and on instructions from HC Sanjeev Kumar, has not disputed the factual position that after the arrest of Rahul, his disclosure statement was recorded and Himanshu @ Happy was nominated in the case and on the disclosure statement of Himanshu @ Happy, the petitioner has been nominated in the case. It is also not disputed that the petitioner is not involved in any other case.

After hearing the counsel for the parties, considering the fact that the petitioner is not involved in any other case and conclusion of the trial will take some time due to COVID-19 situation and also in view of the judgment passed by the Hon'ble Supreme Court in ***“Tofan Singh's case (supra)”***, this petition is allowed and the petitioner is

**CASE HEARD THROUGH VIDEO CONFERENCING**

directed to appear before the Investigation Officer within a period of 10 days from today to join the investigation and he will be released on interim bail on furnishing bail/surety bonds to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

**(ARVIND SINGH SANGWAN)**  
**JUDGE**

**12.07.2021**  
*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No