

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

**CRM-M-15737-2023  
DECIDED ON: 01.05.2023**

**DHEERAJ****.....PETITIONER****VERSUS****STATE OF HARYANA****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

Present: Mr. Kuldeep Singh Siwach, Advocate for  
Mr. Lakhwinder Singh, Advocate  
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG Haryana.

**SANDEEP MOUDGIL, J (ORAL)**

This is a petition seeking regular bail in FIR No.9, dated 07.01.2023, under Section 307, 387, 34 of IPC 1860 and Section 25 (Act No.54) of Arms Act 1959, and Section 120-B, 201 of IPC added later on registered at Police Station City Tohana, District Fatehabad.

Learned counsel for the petitioner submits that he was neither arrested from the spot nor has been named in the FIR and as such no overt act has been attributed qua him. He further submits that the petitioner has been named as an accused in the FIR only on the basis of disclosure statement of co-accused. It is submitted that the petitioner was arrested in another case i.e. FIR No. 39 dated 22.01.2023 under Section 25/54/59 of the Arms Act registered at Police Station City Tohana, Fatehabad wherein he

made a confessional statement in the police custody qua this case and hence, he has been arrested and put in custody in this case as well on 23.01.2023.

Notice of motion.

Mr. Ashok Kumar Sehrawat, DAG Haryana submits that the investigation in the said case is though completed but could not controvert the fact that no over act attributed to the petitioner who was never arrested from the spot. The fact of confessional statement made by the petitioner while in custody in the police station has also not been controverted.

Considering the custody period i.e. 3 months and 8 days undergone by the petitioner without having been named in the FIR or having been attributed any role whatsoever in the FIR wherein challan stands presented on 18.04.2023, no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

The petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

However, it is made clear that anything stated hereinabove, shall not be construed as an expression of opinion on the merits of the case.

**(SANDEEP MOUDGIL)**  
**JUDGE**

**01.05.2023**

*Lavisha*

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |