

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

CRM-M-30016-2023

Date of decision : 13.07.2023

Ishu

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Raj Kapoor Malik, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

While issuing notice of motion on 08.06.2023, the following order was passed :-

“Ishu has filed anticipatory bail petition under Section 438 Cr.P.C. in FIR No. 537 dated 08.10.2022 (Annexure P-1) under Section 25(1-B) (a) of Arms Act, 1959 and later on added Section 120-B, 201 of IPC and Section 42 of Prison Act, 1894, registered at Police Station Narnaud, Police District Hansi, Administrative District Hisar.

The learned counsel for the petitioner pointed out that in this case on the basis of secret information, Sachin was apprehended and from his possession, one country made .315 bore pistol was recovered. Thereafter, on the basis of disclosure statements Kurban, Rajesh and Suresh were also named. Out of them, from the possession of Kurban cash of Rs. 500/-, whereas Rajesh and Suresh were already in jail. They have been granted bail in this FIR. The present petitioner is also named on the basis of disclosure statement and he is ready to join the investigation.

Notice of motion.

On the asking of this Court, Ms. Mayuri Lakhanpal, DAG, Haryana accepts notice on behalf of the State. Considering the

aforesaid facts, the arrest of the petitioner Ishu is stayed till next date, subject to the joining of investigation as and when required by the Investigating Officer.

Adjourned to 13.07.2023.

Status report be filed by respondent – State by the adjourned date.”

Today reply has been filed by way of an affidavit of Ravinder Sangwan, Deputy Superintendent of Police, Narnaud, on behalf of the respondent-State which is taken on record.

Counsel representing the State has argued with eloquence that Sachin on whose disclosure the petitioner has been nominated committed murder and it is the petitioner who happens to be supplier of the weapon. Further heavy reliance has been placed upon the call details of the petitioner annexed with the status report at Annexure R-1 to ascertain and aver that the petitioner was in regular touch with Rajesh and Suresh while they were behind bars.

On being asked 'whether the petitioner has been nominated in the case pertaining to murder alleged to have been committed by Sachin or not?', State Counsel is candid in admitting that petitioner is not one of the accused therein. State Counsel is also not in position to answer as to how the Jail Authorities were allowing Rajesh and Suresh to be in possession of mobile phone while in jail and at sea when asked as to what action has been taken by the Jail Superintendent for such lapse.

Coming on to the facts of the present case apart from disclosure statement of Sachin and the alleged call details there is nothing

as per State Counsel that yokes the petitioner to the present case.

In view of the above, without commenting further on the merits of the case, order dated 08.06.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.

The petition stands disposed off.

July 13, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No