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

**CRM-M-31049-2023 (O&M)**

**Date of decision : 20.09.2023**

Harsh Singla

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: None for the petitioner.

Mr. Vikram Singh, AAG, Haryana,  
assisted by ASI Dharamvir Singh.

**MAHABIR SINGH SINDHU, J.**

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.401 dated 07.06.2023, under Section 25 of the Arms Act, 1959, registered at Police Station City Hansi, District Hisar.

2. As per the prosecution story, a pistol was recovered from the petitioner without any valid licence.

3. The Coordinate Bench, on 22.06.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

*“The prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case bearing FIR No.401, dated 07.06.2023, under Sections 25 of Arms Act, registered at Police Station City Hansi, District Hisar.*

*Learned counsel for the petitioner submits that as per allegations, pistol was recovered from the possession*

*of the petitioner and on inquiry petitioner stated that he will produce the licence for keeping the said weapon in his possession but later on from verification of the documents, it was found that there was no licence issued to the petitioner, and hence the FIR was registered.*

*Notice of motion.*

*At the asking of the Court, Mr. Ranvir Singh Arya, Addl. A.G., Haryana, appears and accepts notice on behalf of respondent-State. A copy of the paper book be supplied to him during the course of the day. He submits that as per practice, in such cases no person is released on the pretext that he will produce the licence. Apparently in this case, proceedings have not been conducted in accordance with the law.*

*Let status report along with an affidavit be filed on or before the next date of hearing and it shall also be explained therein as to why a person who was carrying a weapon without licence was allowed to go.*

*Adjourned to 17.07.2023.*

*Meanwhile, in the eventuality of arrest of the petitioner in the instant case, he shall be enlarged on interim bail subject to his furnishing personal bond/surety bond to the satisfaction of Investigating Officer/Arresting Officer. The petitioner shall join the investigation as and when called upon to do so by the Investigating Agency. The petitioner shall abide by the following conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit:-*

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;*
- ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him*

*from disclosing such facts to the Court or to any police officer;*

*iii) that the petitioner shall not leave the country without prior permission to the Court and shall surrender his passport, if any.*

*Status report be filed on or before the next date of hearing with advance copy to the counsel opposite.”*

4. There is no assistance on behalf of the petitioner.
5. However, learned State counsel, on instructions from the police officer present in Court, has apprised the Court that in pursuance of the order dated 22.06.2023, petitioner has joined the investigation and his custodial interrogation is not required at this stage.
6. In view of above, interim order dated 22.06.2023, is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.

**20.09.2023**

*atulsethi*

**(MAHABIR SINGH SINDHU)  
JUDGE**

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