

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-14961-2024 (O&M)

Reserved on : 25.07.2024

Pronounced on: 05.08.2024

Naveen Kumar Petitioner

VERSUS

State of Haryana Respondent

CORAM: HON’BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sanjeev Kodan, Advocate, for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

Mr. Anshumaan Dalal, Advocate, for the complainant.

KIRTI SINGH, J.

This petition is under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.1081 dated 28.12.2023, under Sections 285 IPC (Sections 427, 506 and 34 IPC added later on) and Sections 25(9), 25(1-B)(a) of the Arms Act, 1959 registered at Police Station City Hisar, District Hisar, Haryana (Annexure P1).

2. The facts in brief are that on 27.07.2023, ASI-Mahender Singh was present at Police Post, Bus Stand Hisar, when the complainant Ankit arrived and moved a written complaint alleging that he was running a tour and travel office at Hisar Bus Stand under the name and style of Mama Bhanja Tour and Travels. The accused persons were threatening

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the complainant for the past several days. Earlier also on 12.05.2023 at about 12.00 mid night, the accused had threatened to kill the complainant on telephone. Thereafter, they had arrived at his office and caused damage. He had a video recording of the incident recorded in the CCTV camera. Thereafter, he filed a complaint in this regard to the police but no action had been taken. He therefore pleaded for appropriate action against the culprits. Upon the information, a formal FIR was registered and investigation commenced. During investigation, on 22.01.2024, accused Sahil, Deepak and Sunil were arrested and Section 426, 406 and 34 IPC were incorporated.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he has no concern with the allegations leveled by the police and nothing has been recovered from the petitioner. He further submits that co-accused, namely, Seema Chauhan has been granted the concession of anticipatory bail vide order dated 22.01.2024 passed by the learned Additional Sessions Judge, Hisar and other co-accused, namely, Sahil Deepak and Sunil have also been granted the concession of regular bail vide order dated 01.02.2024 by the learned Additional Sessions Judge, Hisar. It has also been contended that the present complainant namely Manjit is accused in the FIRs Annexures P4 & P5 and in the counter of the above said FIRs, the present FIR in question has been registered against the petitioner. He further submits that the petitioner is an employee of Government of India in Border Security

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Force and has been serving the country since last many years and he is willing to abide by all the terms and conditions which will be imposed upon him in the event of grant of bail.

4. Vide order dated 18.07.2024, the petitioner was directed to provide the details of the agent to whom he had sold the licensed weapon.

5. Today, a specific affidavit has been filed by the learned counsel for the petitioner, providing the details of the agent to whom the petitioner had sold his licensed weapon in question.

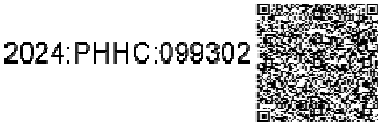
6. After hearing the rival submissions made by the learned counsels of both parties, order dated 22.03.2024 passed by this Court, is hereby made absolute.

7. Accordingly, the present petition stands allowed.

8. This order should not be treated as "blanket" order. It will not be read granting the petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

9. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner(s).

10. The petitioner(s) shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act in regard to a discovery of facts made in pursuance of information supplied by the petitioner(s) in case the occasion arises.



11. It will be open to the police or the investigating agency to move to this Court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

05.08.2024.
Ramandeep Singh

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