

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.25122 of 2024
Reserved on: 02.08.2024
Pronounced on: 30.08.2024

Pardeep Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ashish Kumar, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
114	16.03.2024	Gannaur, District Sonipat	25 of Arms Act, 1959

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC, 1973, seeking anticipatory bail.
2. Per paragraph 15 of the bail application and the reply, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	118	14.09.2017	Under Sections 323, 506, 34 IPC	Mohana, Sonipat

However, as per reply dated 08.07.2024, the petitioner is involved in following cases, the details of which are as under:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	13	13.03.2008	Under Sections 323, 325, 357 IPC	G.R.P., Sonipat
2.	29	15.03.2024	Under Sections 25, 54, 59 of Arms Act	Mohana, Sonipat

3. Facts of the case are being taken from reply which reads as under:
- “2. That briefly stating the facts involved in the present case are that on 16.03.2024, police officials were present near the bridge of double canal in the area of village Bali Qutubpur, District Sonipat in connection with routine patrolling duty, when the secret informer met the police officials and gave the secret information that Shaman Lilu son of*

Rishi Pal, resident of village Bali Qutubpur, who was wearing yellow shirt and blue jeans, will come towards the bridge of the canal from the side of village Bali Qutubpur and he was having illegal weapon and if surveillance was done, said Shaman @ Lilu could be apprehended with the illegal weapon. Finding the information reliable, raiding team was constituted and police officials started keeping watch over the persons coming towards the bridge of canal. After some time, one boy having the physical features as disclosed by the secret informer was seeing coming from the side of village Bali Qutubpur, who was stopped by the police officials on the basis of suspicion and on enquiry, that person disclosed his name as Shaman @ Lilu son of Rishipal, resident of village Bali Qutubpur, Tehsil Ganaur, District Sonipat. The passersby passing through the spot were tried to be joined in the proceedings, out of whom, one person disclosed his name as Ajit son of Shri Hari Ram, resident of village Nava Bans, who was apprised about the facts of the present case. Thereafter, personal search of accused Shaman Lilu was conducted in the presence of said independent person namely Ajit son of Shri Hari Ram, upon which one country made pistol was recovered from his conscious possession. Accused Shaman @ Lilu could not produce any permit or licence for retaining the said country made pistol in his possession. On opening of magazine of said pistol, the same was found to be empty. measurement, rough sketch of recovered pistol was prepared and it was taken into possession in accordance with law. Thereafter, information in this regard was sent to Police Station Ganaur, Sonipat, on the basis of which instant FIR was registered and investigation was set into possession.

3. That during investigation, the place of occurrence was inspected and its rough site plan was prepared. Statements of witnesses were recorded. On 16.03.2024 itself, accused Shaman @ Lilu was arrested in the present case and on interrogation, he suffered disclosure statement and admitted his guilt and disclosed that he fell in bad company since childhood and started consuming intoxicants and he was wishful to keep weapons since childhood. He further disclosed that about one month ago, he (Shaman @ Lilu) asked his friend Pardeep @ Lambu son of Ramphal, resident of village Sitawali, District Sonipat (petitioner) to provide some weapon to him, upon which Pardeep @ Lambu told that he (petitioner) was having a country made pistol, which he can give to him (Shaman Lilu) and thereafter, he purchased the said country made pistol for Rs.40,000/-and thereafter, he was apprehended by police with the said country made pistol. “

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State opposes bail.

6. The evidence against the petitioner is based on disclosure statements of co-accused and not on the recovery based on such disclosure.

7. Given the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order

shall come into force from the time it is uploaded on this Court's official webpage.

8. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

9. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

10. This order is subject to the petitioner's complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

13. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Sonia Puri

Whether speaking/reasoned: Yes
Whether reportable: No.