



CRM-M-36065-2024

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

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Date of decision: 9th September, 2024

Sumit Rathi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aman Yadav, Advocate for
Mr. P.S. Chauhan, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The instant petition has been filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNNS'), seeking anticipatory bail in case FIR No. 220 dated 22.06.2024 registered under Sections 307 of IPC and Section 25(1-B) (a) of Arms Act, 1959 (Section 29 of Arms Act added later on) at Police Station Rewari City, District Rewari, Haryana.

2. On the basis of a written complaint submitted by the complainant Sarika alleging therein that on the night of 21.06.2024, at about 9:00 PM, the accused Vicky who was a friend of his brother Nitish came to their house and took Nitish upstairs. Sometime, thereafter, she heard some sound and rushed upstairs. While climbing on the stairs, she saw the accused

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Vicky Gujjar while bringing Nitish on his lap who on asking, told her that he had fallen on the roof. Then, Vicky while making his brother sit on his bike started going from that place but the complainant alighted her brother from the same. The accused Vicky then fled away from the spot. His brother was taken to the hospital and it was revealed that he had sustained a fire arm injury. While alleging that her brother sustained fire arm injury at the hands of Vicky Gujjar, she prayed for taking action in the matter. After registration of FIR, investigation proceedings have been initiated.

3. As per prosecution case, during investigation co-accused Naveen was arrested and suffered a disclosure statement to the effect that accused Vicky Gujjar had brought country made pistol from him and he had brought the same from the petitioner. The petitioner has been booked under Section 29 of Arms Act. Apprehending his arrest, he had made prayer for grant of anticipatory bail before the learned Additional Sessions Judge, Rewari which was dismissed.

4. The petitioner therefore, made prayer for grant of pre-arrest bail before this Court. Vide order dated 30.07.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation.

5. Today status report has been filed by learned State counsel. The same is taken on record. He further, on instructions submits that the petitioner has joined the investigation and he is not required for custodial interrogation. No recovery is to be effected from the petitioner.

6. In view of the said facts, without commenting on the merits of the case, no purpose would be served by detaining him in custody.

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Accordingly, the petition is allowed and the order dated 30.07.2024 granting interim bail to the petitioner is made absolute, subject to his joining investigation before the Investigating Officer as and when required and also on compliance of following conditions:-

i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.

(ii) he shall not commit any similar offence while on bail.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

[MANISHA BATRA]
JUDGE

9th September, 2024

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No