



CRM-M-36932-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-36932-2024

Date of decision: 16th September, 2024

Anil @ Kharsu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. S.S. Verma, Advocate for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking regular bail in case bearing FIR No. 99 dated 29.06.2024 registered under Sections 25(6) of Arms Act, 1959 at Police Station Behal, District Bhiwani.

2. As per the prosecution case, on 29.06.2024, a police party headed by ASI Subhash Chander was present at Gopalwas Chowk in connection with patrolling duty, when a secret information was received that the petitioner who was a gangster was present behind bus stand at village Kasni Kalan at that time. There was 5-6 boys with him in his car, all of whom were armed with weapons and they could commit some crime. Believing the secret information to be true, a raiding party was immediately formed which rushed towards the place of occurrence in a vehicle after



removing the sticker of police from the said vehicle. On reaching there, they found a white color swift car without number plate to be parked behind bus stand of village Kasni Kalan. They surrounded the car and the youths sitting in the vehicle were apprehended. On asking, they disclosed their names and particulars. On conducting search, one pistol and a number plate was recovered from the dash board of the car. They could not produce any licence qua the recovered pistol. The pistol and magazine were taken into custody along with the vehicle. The petitioner and co-accused were formally arrested.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 29.06.2024. Investigation has been completed. His custodial interrogation is no more required. Nor any recovery is to be effected from him. His further detention would not serve any useful purpose. Therefore, it is urged that he deserves to be extended benefit of bail.

4. Status report has been filed by respondent-State. It is argued by learned State counsel that there are serious allegations against the petitioner who is having criminal antecedents as he is involved in eight more cases of serious nature. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.



6. The petitioner along with co-accused is alleged to be found in unauthorized possession of a pistol. He is in custody since 29.06.2024. Subject offences are triable by Magistrate. Investigation has since been completed. Trial is likely to take time to conclude. The fact that the petitioner has been booked for commission of other offences and facing trial, is not a ground to deny benefit of bail to him. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the period of incarceration of the petitioner, the nature of the subject offences and as per the discussion made above, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned and further subject to the condition that the petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of trial and furnish an affidavit each time that he is not involved in any other case except the present one.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

16th September, 2024
Parveen Sharma

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