



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.41195 of 2024
Date of decision: 27.09.2024

SARFARAJ KHAN

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Sanyam Khetarpal, Advocate for the petitioner
(*Through Video Conference*).

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

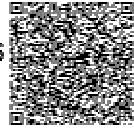
MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No. 91 dated 12.07.2024, registered under Sections 22, 25 and 29 of the NDPS Act, 1985 and Section 223 of BNS at Police Station Barnala, District Barnala.

2. Vide order dated 27.08.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 27.08.2024, passed by this Court, reads as under:

“The prayer in the instant petition has been made by the petitioner-accused for grant of pre-arrest bail in case arising out of FIR No.211 dated 29.07.2024 registered under Section 25(1-B)(A) of Arms Act, at Police Station NIT, Faridabad.

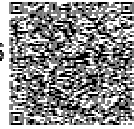
The relevant facts in brief are that on 29.07.2024, a Police party headed by Head Constable along with SI Lalit was



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present at BK Chowk, Faridabad in connection with patrolling duty when a secret information was received that the accused- Amitabh Kumar @ Amit was present at Bhagat Singh Chowk, NIT-5, Faridabad Road. He was carrying a country made pistol with an intention to commit crime and could be apprehended if raided immediately. Believing the secret information to be true, the Police party immediately rushed towards the informed place along with secret informer who pointed out towards the accused- Amitabh Kumar @ Amit on reaching the spot. The Police party managed to apprehend accused Amitabh Kumar @ Amit. On conducting his search, a county made pistol was recovered from his right side pocket of jeans and a live round was recovered from his left pocket. Accused Amitabh Kumar @ Amit failed to produce any license for the said weapon. Weapon and live round were taken into custody after being duly sealed. The accused Amitabh Kumar @ Amit was formally arrested. During the course of investigation, he suffered disclosure statement and nominated the co-accused Firoz as the person from whom the accused Amitabh Kumar @ Amit had taken the illicit weapon. The co-accused Firoz was arrested. He too, suffered a disclosure statement admitting his involvement and also stated that the illicit weapon was supplied to him by the present petitioner. On the basis of his statement, the petitioner was nominated as an accused. Apprehending his arrest, he had moved an application for grant

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of pre-arrest bail which had been dismissed vide order dated 05.08.2024 by learned Additional Sessions Judge, Fardidabad.

It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. Co-accused namely, Amitabh Kumar @ Amit and Firoz had been granted concession of bail by the trial Court. No recovery is to be effected from the petitioner. He is ready to join the investigation and his custodial interrogation is not required. Therefore, it is urged that the petition deserves to be allowed.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

Adjourned to 27.09.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

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3. Reply dated 21.09.2024 filed on behalf of respondent-State is taken on record. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 08.09.2024 and he is not required for custodial interrogation.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 27.08.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of terms and conditions requisite for grant of anticipatory bail.

(MANISHA BATRA)**JUDGE****27.09.2024****Jyoti-IV**

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