



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M No.40732 of 2024
Date of decision: 25.09.2024

PRAVEEN KUMAR @ PARVEEN KUMAR Petitioner

Versus

STATE OF HARYANA Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Mayank Yadav, Advocate for the petitioner.

Mr. Neeraj Poswal, A.A.G., Haryana and
Mr. Harkesh Kumar, Advocate for respondent-State.

MANISHA BATRA, J. (oral)

1. The present petition has been filed by the petitioner for grant of anticipatory bail in case FIR No.237 dated 29.07.2024 registered under Sections 194, 287, 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short-‘BNS’) and Section 25 of Arms Act, at Police Station Sadar Narnaul, District Mahendergarh.

2. Vide order dated 22.08.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 22.08.2024, passed by this Court, reads as under:

“The present petition has been filed by the petitioner for grant of anticipatory bail in case arising out of FIR No.237 dated 29.07.2024 registered under Sections 194, 287, 3(5) of BNS and Section 25 of Arms Act, at Police Station Sadar Narnaul, District Mahendergarh on the basis of allegations that on 29.07.2024, on receipt of an information that some persons who were members of



two different groups, were indulged in an altercation in front of GSD workshop and one of them had fired a shot in air with pistol. Police party had reached there. Those persons had already fled away from the spot. Some pieces of glass and one country made pistol, a fired cartridge and three live cartridges were found lying at the spot. Same were taken into custody. Investigation proceedings had been initiated and during the course of investigation, the co-accused namely, Yogesh @ Bazzar, Anil Abhimanyu @ Habli, Sonu @ Kachra, Sanjay @ Pehalwan, Amit @ Gabru and Mohit @ Monu Pehalwan were arrested. They suffered a disclosure statement. Co-accused Sanjay @ Pappu got recovered a country made pistol. On his disclosure statement, the present petitioner had been nominated as an accused. Apprehending his arrest, the petitioner had moved an application before learned Additional Sessions Judge, Narnaul which had been dismissed vide order dated 16.08.2024.

It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case only on the basis of disclosure statement of the co-accused. He was not nominated in the FIR. It is argued by him that the offences except offence under Section 25 of Arms Act are bailable in nature and that there is no specific allegation against him that he used any fire arms. No recovery is to be effected from him. His custodial interrogation is not required and he is ready to join investigation. 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 25.09.2024.

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.”

3. Learned State counsel has submitted that though the petitioner has joined the investigation on 26.08.2024, however, he has not co-operated with the investigating agency since no armed weapon got recovered from him.

4. Non recovery of any incriminating material including some weapon is not a ground to deny benefit of bail to the petitioner. Keeping in view the well settled proposition of law that the criminal law process cannot be used for coercion or for effecting recovery and the decision of bail should be made on the nature of accusation, severity of potential punishment and likelihood of an accused absconding or tempering with the evidence. There is nothing on record to suggest that the petitioner was absconding or intimidating the witnesses. As such, in view of the discussion as made, but without meaning to make any comment on the merits of the case, it is observed that no purpose



would be served by keeping the petitioner in custody. Accordingly, the petition is allowed and order dated 22.08.2024 granting interim bail to the petitioner is made absolute, subject to compliance of terms and conditions requisite for grant of anticipatory bail.

25.09.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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