



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

116

CRM-M-11369-2025

Date of decision: March 21, 2025

ANISH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Mr. Karan Garg, Assistant Advocate General, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 BNSS, 2023 seeking grant of regular in criminal case bearing FIR No.0298 dated 19.09.2024 (Annexure P-1) under Sections 25(1-B)(a), 27(1) of Arms Act, 1959 and Sections 109(1), 132, 221, 3(5), 354 of BNS, 2023 and Sections 324(5), 61 of BNS added subsequently, registered at Police Station Manesar, District Gurugram.

2. The allegations in nutshell are that on 19.09.2024, police received secret information with regard to movement of the accused persons including the present petitioner, all of whom were stated to be armed with different weapons and travelling in a grey Ecco car No.HR-26-DB-1140 driven by co-accused Krishan. On the basis of the said secret information, the police officials barricaded the area and at about 3:50 AM, aforesaid car was seen coming, which was signaled to stop, on which the occupants of the car tried to escape



and co-accused Sachin @ Gajnu and Krishan fired shots but finally, all the occupants of the car were apprehended by the police officials. On personal search, one country-made pistol and one live cartridge were recovered from the present petitioner and in the same manner, recovery of firearm and ammunition was effected from the co-accused.

3. Counsel appearing on behalf of the petitioner *inter alia* submits that the petitioner is falsely implicated in the present case and is in custody for the last about 6 months and is having no criminal history. It is further submitted that at the time of alleged occurrence, no one sustained injuries on account of the alleged firing resorted to by the occupants of the car. Furthermore, it is the admitted case of the prosecution that no shot was fired by the present petitioner. It is further submitted that after completion of investigation, police has presented the challan but it will take time for trial to conclude. Thus, no gainful purpose is going to be served by keeping the petitioner in custody for any longer period.

4. The present petition is resisted by the State counsel, who on instructions from ASI Vineet Kumar, submits that the occupants of the car in question fired shots at the police party. Fortunately, no one from the side of police party suffered injuries. However, one of bullet struck bulletproof jacket of police official namely SI Harish. It is further submitted that the members of the police party also retaliated and fired shots, as a result of which Sachin @ Gajnu and Krishan sustained injuries and later on both of them were got admitted in the hospital and both the said injured were formally arrested by the police on 23.09.2024. However, the State counsel has not disputed the fact that

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the petitioner is incarcerated for the last about 6 months and is not involved in any other criminal case and that after framing of charges, the prosecution has failed to examine any witness on its behalf, till date.

5. In the instant case, the recoveries are already effected and the petitioner, who was arrested at the spot, is behind bars for the last about 6 months and is presently, lodged in judicial custody and is having no criminal antecedents. It is also apparent that none of the police officials sustained injuries on account of the firing resorted to by the occupants of the car. Undoubtedly, co-accused Sachin @ Gajnu and Krishan suffered injuries on account of the retaliatory firing resorted by the members of the police party. It will take time for the trial to terminate as till date, no witness has been examined on behalf of the prosecution. In the given circumstances, further detention of the petitioner in the judicial custody is not going to serve any purpose.

6. In view of the above, without commenting on the merits of the case, the present petition is allowed, and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

March 21, 2025*Jaspreet Kaur***(KARAMJIT SINGH)
JUDGE**

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