



CRM-M No.13086 of 2025 1

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M No.13086 of 2025 (O&M)
Date of Decision: 21.03.2025

Kamal @ Kamaldeep Lather

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Nitin Meel, Advocate for the petitioner.

Mr. Ashok Singh Chaudhry, Addl.A.G, Haryana.

Mr. Joginder Singh Duhan, Advocate
for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest
bail to the petitioner in FIR No.24 dated 11.02.2025 (P-1), under Sections
115, 126, 140(3), 329(3), 351(3), 62, 191(3) read with Section 190 of
Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), and Section 25 of Arms
Act, 1959, registered at Police Station Pillukhera, District Jind.

2. Allegations are that petitioner along with co-accused formed an
unlawful assembly and in prosecution of their common object; criminally
trespassed into the property of *de facto* complainant-Gaurav with their
respective weapons; inflicted injuries on the person of complainant party and
also criminally intimidated them.

3. Status report by way of affidavit dated 19.03.2025 of
Mr. Gaurav Sharma, Deputy Superintendent of Police, Safidon, District Jind

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on behalf of respondent has been filed and the same is taken on record. Copy supplied to the other side.

Registry to tag the same at appropriate place.

4. Contends that petitioner has been falsely implicated in the present case being the relative of co-accused Hitesh, Kanta and Rajbir. Further contends that all the allegations and injuries are attributed to main accused, namely, Hitesh, who has already been granted bail pending trial by learned trial Court vide order dated 19.02.2025 (P-2).

5. *Per contra*, learned State counsel as well as learned counsel for the complainant have opposed the prayer and submitted that petitioner actively participated in the crime and country made pistol used in the crime belonged to petitioner. Further submitted that custodial interrogation of petitioner is required to unearth the truth.

6. Heard learned counsel for the parties and perused the paperbook.

7. It transpires that petitioner had actively participated in the crime and country made pistol used in the crime is belonged to petitioner. Also transpires that petitioner is also involved in FIR No.28 dated 18.02.2025, registered under Section 25(1-B) of Arms Act, 1959 at Police Station Pillukhera, Jind.

8. Petitioner cannot claim parity with accused Hitesh as he was granted bail pending trial whereas present is the case for pre-arrest bail. Further this Court is of the opinion that custodial interrogation of petitioner is required to unearth the truth.

9. Consequently, there is no option, but to dismiss the petition.

10. Ordered accordingly.

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11. Investigating Officer shall be at liberty to proceed in accordance with law.
12. Above observations be not construed as an expression of opinion on merits of case, in any manner.

Pending application(s), if any shall also stands disposed off.

21.03.2025

Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No