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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-13221-2025

Date of Decision:08.05.2025

Rahul alias Bhola

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Samay Singh Sandhawalia, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.547 dated 23.09.2024 registered under Sections 111(3), 238(b) and 3(5) of BNS and Section 25(6) of Arms Act, at Police Station Kharkhoda, Sonipat.
2. The FIR in the present case was registered on the basis of the statement made by SI Manoj Kumar and the same has been reproduced below:-

“To the SHO P.S. Kharkhoda, District Sonipat. Today, I, P/SI was present in the premises of Special Task Force Unit, Rohtak, where in connection with the murder case committed by gangster Himanshu alias Bhau in Village Kharad Alipur, District Hisar bearing FIR No.678 dated 15.08.2024 registered at P.S. Sadar Hisar, a notice was given on 21.09.2024 to Manesh alias Monu son Om Prakash, resident of Village Prahaladpur (Kidoli) for joining investigation on 22.09.2024. Since the above case is related to organized crime/gang, senior officers have also

given separate instructions to all the units of Special Task Force to work in the above case. On 22.09.2024, Manesh appeared in the premises of Special Task Force Unit, Rohtak. I, P/SI conducted enquiry on him. On my interrogation, Manesh alias Monu disclosed that "I was in jail for robbery, dacoity and murder case and I was released from jail about 1½ years ago. I have a good friendship with gangsters Himanshu alias Bhau and Sahil. About four months ago, gangster Himanshu alias Bhau contacted me on mobile phone through social media App and got a bag of weapons kept near KMP bridge, near Asoda, District Jhajjar. I brought it with me. About one and a half months ago, on the instructions of Himanshu alias Bhau, I sent that bag of weapons to Sonu, resident Kharad on Sundarpur drain Rohtak through my Mausil's son Vikram alias Kandul, resident Badli. Out of those weapons, I kept about 300 live rounds of different types and one country made pistol and two magazines with me. I have kept hidden the country made pistol and live rounds in a broken washing machine in my cattle shed. I can get them recovered". The inquiry is worth considering. After informing the officers about this information, I, P/SI alongwith SI Ranbir Singh No.331/H, Ct. Praveen No.690/FBD in government vehicle bearing No.HR-26-GV-9971, driver of which was HC Surender No.2042/RTK alongwith Manesh @ Monu reached at the cattle shed in the house of Manesh @ Monu at Village Prahladpur, where I met an independent witness Anil son of Jagbir Singh, resident of Prahladour Kidoli near his house. After informing him about the information, reached at the house of Manesh. Manesh himself entered into the cattle shed and got recovered a white coloured bag from inside a broken washing machine. On checking it, a country made pistol, another empty magazine and 288 live rounds of different bore were recovered from inside it. When the recovered pistol was inspected, it was found empty. On its barrel, Marshal France was written in English

and on both sides of the butt, black coloured plastic strip was attached. After preparing a separate rough sketch of the country made pistol, another empty magazine and live rounds, the measurement of the country made pistol was conducted, then length of barrel including body came to 16 cm and the length of the butt was 9 CM. A separate parcel of the country made pistol, another empty magazine and live rounds was prepared and sealed the same with seal impression 'TC'. Seal after use was handed over to HC Surender No.2042/RTK. The recovered country made pistol, another empty magazine and live rounds were taken into police possession as evidence vide separate seizure memo. Accused and witnesses appended their signatures on the said memo and rough sketch. The videography of the proceedings was done separately by Ct. Praveen No.690/FBD through my phone as per my instructions. The above person Manesh, being a member of an organized gang, has committed the offence under Section 25(6) of the ARMS AMENDMENT ACT 2019 and Section 111(3) of the BNS by exchanging illegal weapons for the gang and by illegally possessing a country made pistol, another empty magazine and live rounds. Upon which, after writing ruqa, same is being sent to police station by hand through Ct. Praveen No.690/RTK for registration of FIR and after registering FIR, number of which be informed. Senior officers be informed about the facts of the case. For further investigation of the case, some another Investigating Officer from the Special Task Force Unit, Rohtak should be sent at the spot. Today, at Village Kidoli Prahladpur. Sd/- P/SI Manoj, Special Task Force, Rohtak dated 23.09.2024 at 12.05 am.”

3. Learned counsel for the petitioner contends that the petitioner has not been named in the FIR and has been falsely involved due to village politics. He further contends that the petitioner is a member of Block Samiti and his

political opponents got him involved in the present case. Even the entire case is based on disclosure statements suffered by his co-accused in police custody and even during the course of investigation, the police could not collect any admissible evidence against the petitioner. Even no recovery of weapon or any other incriminating material was made from the petitioner. Thus, there is no credible evidence on record, which may connect him with the commission of crime. The petitioner was arrested in the present case on 18.11.2024 and is in custody for the last 05 months. The challan has already been presented against him, but the police has not examined even a single witness so far. Thus, further custody of the petitioner will not serve any meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is a member of Himanshu alias Bhau Gang and he had supplied the weapons to Manesh, co-accused and the weapons supplied by the petitioner were allegedly used in a crime at Hisar. However, he admits that the petitioner is the first offender and no other FIR was registered against him.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, admittedly, the petitioner was never involved in any other criminal case. Even the allegations may be serious against the petitioner but this Court is conscious of the fact that the petitioner is in custody for the last about 05 months and challan has been presented against him. Moreover, the case is primarily based on testimony of official witnesses and the petitioner would not be in a position to influence them.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.
- (viii) The petitioner shall report every 1st Monday in English calander month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday to the

concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an appropriate application in this regard.

08.05.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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