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

**CRM-M No.25116 of 2025 (O&M)
Date of Decision: 08.05.2025**

Manoj**..... Petitioner****Versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Ajay Kripal Singh, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.114, dated 23.03.2025 (Annexure P-1), under Section 25(1)(B) & 25(8) of Arms Act, 1959, registered at Police Station Sadar Yamuna Nagar. Further prayer has been made for granting ad-interim bail to the petitioner during the pendency of the present petition.

2. Succinctly the facts of the case are that when the police party was on patrolling on 23.03.2025, they saw a young boy coming from Kalanaur side with a backpack on his back. He was apprehended by the SI on the basis of suspicion and on asking, he disclosed his name as Sachin Sharma @ Golu. When he was inquired about the bagpack, he told there was illegal weapon in the bag. In the meantime, 02 other young



boys were seen coming on the road, who on asking, disclosed their names as Dharmender and Gaurav. They were informed that the police suspect illegal weapon in the bag being carried by Sachin Sharma @ Golu and they were requested to be witness of recovery, who gave their consent and thus they were joined in the investigation. On checking the bag, one country made pistol and one revolver was recovered. Besides this, 26 notes of Rs.500/- denomination, total amounting to Rs.13,000/- and one mobile phone of Mark Samsung was also recovered. Recovered country made pistol along with 06 live rounds kept in plastic jar were duly stamped and sketch of recovered pistol and 10 rounds along with cover in plastic jar was duly stamped and parcels were prepared. Recovered currency notes and mobile phone were kept in envelop and parcel were stamped along with the bag. The *ruqa* was sent for registration of the case. On registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner, namely, Manoj surfaced as the supplier of the arms recovered and thus the petitioner was also arrayed as an accused in the present case but the petitioner remained at large and could not be arrested. Thus apprehending his arrest, the petitioner approached the Court of learned Sessions Judge, Yamuna Nagar praying for the grant of anticipatory bail. However after hearing both the sides, finding no merit in the same, the learned Sessions Judge, Yamuna Nagar dismissed the petition filed by the petitioner vide his order dated 19.04.2025. Hence being aggrieved, the petitioner is before



this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that neither the petitioner was named in the FIR nor any recovery has been effected from him, however he has been implicated in the present case on the basis of the disclosure statement of co-accused, Sachin Sharma @ Golu, which in itself is not an admissible evidence. He has submitted that co-accused, Sachin Sharma @ Golu, on whose disclosure the petitioner has been named as the accused, is not in connection with the petitioner from past 4-5 years and thus there is no evidence regarding proximity of the petitioner with the co-accused. He has submitted that the petitioner was never aware about any FIR having been registered against him, however when the police came to search him, it is only then the petitioner came to know about any case having been registered against him. He has submitted that four disclosure statements of the co-accused were recorded but name of the petitioner surfaced in the third disclosure statement of co-accused, which in itself shows that the petitioner has been arrayed as an accused in a deliberated manner. He has thus submitted that there being no prima facie case having been made out against the petitioner, he deserves to be granted anticipatory bail.

4. Notice of motion.



5. On asking of the Court, Mr. Tanuj Sharma, AAG, Haryana appears and accepts notice on behalf of the respondent-State. He has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner is actively involved in the present case and the same is established during the investigation conducted so far. He has submitted that the Investigating Officer of the case is also present in the Court. He, on instructions, has submitted that FIR in the present case was registered on 23.03.2025 and the disclosure statement of co-accused, Sachin Sharma @ Golu was recorded on 24.03.2025, i.e. on the very next day and it is on the first disclosure statement of co-accused, the petitioner was named as an accused in the present case. He has submitted that as per the disclosure statement of co-accused, Sachin Sharma @ Golu, it has been found that the petitioner had supplied 04 country made pistols to the said accused with 02 magazines and 10 rounds for a total sale consideration price of Rs.1,50,000/-. He has further submitted that the petitioner is a habitual offender and he is involved in 02 more cases, i.e. FIR No.291/2003, under Sections 302, 201, 120-B of IPC, Police Station Bhawan District Shamli, UP and FIR No.1116/2005, under Sections 411, 102 Cr.P.C., Police Station Shamli, UP. He has submitted that the investigation is at threshold and granting bail to the petitioner at this stage would scuttle the ongoing investigation.

6. Heard.

7. On hearing learned counsel for the parties and perusing the record, it is inferred that co-accused in the present case was arrested



along with the illegal weapons. During the investigation, on the first disclosure statement of co-accused, namely, Sachin Sharma @ Golu, name of the petitioner, as submitted before this Court, surfaced in the present case. As per the investigation conducted so far, the petitioner is the supplier of the illegal arms recovered from the co-accused for the considerable amount of Rs.1,50,000/-. The petitioner is also said to be involved in 02 other cases, i.e. FIR No.291/2003, under Sections 302, 201, 120-B of IPC, Police Station Bhawan District Shamli, UP and FIR No.1116/2005, under Sections 411, 102 Cr.P.C., Police Station Shamli, UP.

8. Needless to say that the investigation is at threshold. The offence alleged is serious in nature.

9. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

- 1. When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
- 2. When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*



- (ii) *a condition that the person 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 from disclosing such facts to the Court or to any police officer;*
- (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section."*

10. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or*



rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail."

11. The Hon'ble Supreme Court in ***State Vs. Anil Sharma, (1997) 7SCC 187***, held as under:-

“6. *We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument*



that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

12. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been prima facie found. Allegations made against the petitioner are serious in nature. Needless to say, the investigation is at the threshold and in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

13. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

		(RAJESH BHARDWAJ)
		JUDGE
08.05.2025	Whether speaking/reasoned	: Yes/No
rittu	Whether reportable	: Yes/No