

CRM-M-31579-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31579-2025
Reserved on: 01.08.2025
Pronounced on: 13.08.2025

Nishant alias Nishu ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Dr. Jasmine Gill, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
136	08.05.2025	IMT Rohtak, District Rohtak	25(6) of Arms Act

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per paragraph 9 of the bail petition as well as custody certificate dated 31.07.2025, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	389	13.11.2021	279, 336, 379-B, 34, 397, 201 IPC and 25/54/59 of Arms Act	IMT Rohtak, Rohtak
2	85	13.03.2023	302, 201, 120B, 202, 34 IPC and Arms Act	Urban Estate, Rohtak
3	251	23.07.2023	25-1-B(A)/29 of Arms Act	Urban Estate, Rohtak
4	10	12.01.2024	25-1-B(A), 27, 29 of Arms Act and 285, 34, 109 IPC	Urban Estate, Rohtak
5	95	2023	25/27 of Arms Act	Beri, Jhajjar
6	207	06.08.2019	379-A IPC	Badli, Jhajjar
7	390	13.11.2021	307, 34, 120B IPC and 25/54/59 of Arms Act	IMT Rohtak, Rohtak
8	217	30.09.2022	120B, 201, 212, 307, 34 IPC	Bahu Akbarpur, Rohtak
9	156	2019	201, 379-B, 395, 397, 34, 412 IPC	Baroda, Sonipat

3. The facts and allegations are taken from the translated copy of the FIR attached to the bail petition, which reads as follows:

“To Station House Officer Police Station I.M.T., Jai Hind.

Today, I, ASI along with HC Gorkha 47/Rohtak, HC Ashwani Kumar 1157/Jhajjar in government vehicle No. HR-26ET-8084, driver Constable Pardeep Kumar 1001/Sonipat were present at Rohtak-Sonipat Road, Near Scholar Rajori School Bohar, out bye-pass for patrolling and checking of crime. That secret informer met and told that Nishan @ Nishu S/o Rajesh @ Rajhe S/o Diwan Singh resident of Panna Malewal, Bohar, active member of Bhau Gang, who is wearing yellow color T-shirt Puma and blue color jean, who is having illegal pistol and is coming on foot from Rohtak Gohana Road, double canal towards Scholar Rajori School, in case immediate raid be conducted then may be apprehended with illegal weapon. That the information is believable. After the secret informer was set free from there, the accompanying officials were apprised of the above information. I ASI along with accompanying officials for conducting raid, saw a young boy coming by wearing the cloths as told by the secret informer at some distance from towards Rohtak-Gohana Road wrong side to double canal bridge, Bohar. That on seeing the police party took turn and started walking fast. Then I ASI on the basis of suspicion apprehended the person at some steps with the help of accompanying officials. The person was asked about his name then he told his name address Nishant @ Nishu S/o Rajesh @ Rajhe S/o Diwan Singh, R/o Panna Melwan, Village Bohar, Police Station Urban Estate Rohtak. I ASI requested the passerby's to join the investigation at the spot then all went away by showing their helplessness and without disclosing their name and address. I ASI searched the above said person Nishant @ Nishu as per the rules. Then one country made 30 bore pistol was recovered from the right pocket of his jean. Which was checked by opening then the barrel was found empty and magazine of the recovered pistol was taken out and checked then the magazine was found empty. Above said person Nishant @ Nishu failed to produce any license on the asking. Memo of the recovered pistol was prepared and measured then the length of the barrel was 11.7 CM, length of the body is 19.3 CM and length of the butt was 10.5 CM. The recovered pistol was inspected then on the upper back side Hammer, beneath towards the trigger and trigger guard was attached. On the front of the body MADE IN JARMANY No 377461 and another side

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STAR AUTOMATIC PISTOL DDAWACO CAL 7.62 was found scribed in English. Pieces of wood are attached on the both side of the butt and on the both side of the wooden piece star has been made. Below the butt magazine is fixed and in the middle of magazine catch release button is there. Recovery country made pistol 30 bore was put in the plastic jar and memo was prepared and sealed with SK seal and was taken into police possession through recovery memo. Recovery memo of pistol .30 bore was separately prepared. Memo and on the parcel above said accused Nishant @ Nishu and witnesses appended their signatures. Seal after use was handed over to Head Constable Gorkha 47/Rohtak. During proceedings Head Contable Gorkha prepared video from the mobile phone given to me ASI of the place of incidence and recovery as e-evidence and uploaded. Above said accused Nishant @ Nishu is active member of Bhau Gang has committed offence under Section 25(6) of the Arms Act while keeping in his possession 30 bore illegal pistol. Therefore, writing is sent to police station through Head Constable Ashwani Kumar 1157/Jhajjar for registration of the case. After registration of the case Number be informed. I ASI himself is complainant therefore, another investigation officer be sent at the spot. I ASI is present at the spot for investigation.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. Counsel further submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

5. The State's counsel opposes the bail and refers to the order of rejection dated 27.05.2025, passed by the Additional Sessions Judge, Rohtak.

REASONING:

6. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 7 of the bail petition, the petitioner has been in custody since 08.05.2025. Per the custody certificate dated 31.07.2025 the petitioner's total custody in this FIR is 02 months & 21 days.

7. A perusal of the above facts clearly reveals that the petitioner was arrested along with the illegal weapon, and even his custody is not less. Moreover, the petitioner has

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criminal antecedents. Be that as it may, the petitioner’s counsel, on instructions, undertakes that petitioner would reform, live like a decent human being and would not indulge in any offense and not repeat the offense. Given such assurance, this Court would like to give a final chance to the petitioner to correct his ways, to reform, and to come back to society.

8. Given the assurance made above, penal provisions invoked vis-à-vis pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner’s complying with the following terms.

13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case, or dissuade them from disclosing such facts to the Police or the Court.

14. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner’s behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

15. This bail is conditional, with the foundational condition being that if the petitioner

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repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail as well as the bail granted in FIR Nos.85 dated 13.03.2023 and 217 dated 30.09.2022.

16. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

17. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

18. **Petition allowed** in terms mentioned above. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

13.08.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.