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

CRM-M-33854-2025

Date of Decision: 17.07.2025

Jitesh Bhatia

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. K.D.S. Hooda, Advocate with
Mr. Yashwir Singh Hooda, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant anticipatory bail to him in case FIR No.0170 dated 01.03.2025, registered under Sections 25(1-B) (a) of Arms Act, 1959, later on added Section 111(2)(b) of BNS and Sections 25(6), 54, 59 of Arms Act, 1959, at Police Station Azad Nagar, Hisar, District Hisar.

2. Learned counsel for the petitioner contends that in the present case, the petitioner was not named in the FIR nor there is any averment, which could remotely connect him with the commission of crime. The FIR was initially registered against Ankit, co-accused, from whom, 02 country made pistols and 05 live cartridges were recovered. During the course of his interrogation, Ankit allegedly disclosed in police custody that the petitioner had supplied one pistol and 03 live cartridges to him and the admissibility of such a statement is yet to be adjudicated by the trial Court only during the course of trial. He further

contends that except the disclosure statement, there is no other evidence against the petitioner.

3. On the other hand, status report by way of an affidavit of Deputy Superintendent of Police, Hisar has been filed by learned State counsel in Court today and the same is taken on record. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had supplied one country made pistol and 03 live cartridges to Ankit, principal accused, which he had admitted during his police custody. He further contends that the petitioner is involved in 08 more criminal cases and is a habitual criminal. Thus, the present petition may be ordered to be dismissed.

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

5. No doubt, 08 more criminal cases have been registered against the petitioner, but the petitioner cannot be denied the concession of bail in the present case only on that ground because the petitioner has been able to make out a case for grant of bail in the peculiar facts and circumstances of the present case. The reliance can be placed on the law laid down by the Hon'ble Supreme Court in the matter of "***Prabhakar Tewari Vs. State of U.P., and another***" 2020(1) R.C.R. (Criminal) 831, wherein it has been held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of "***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another***" 2012(1) R.C.R. (Criminal) 586. At this stage, the only evidence against the petitioner is the disclosure statement, stated by the co-accused and no other evidence has been collected against him, so far. However, the

evidentiary value of such a statement is weak and the prosecution is yet to produce other connected evidence before the trial Court.

6. Thus, without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 482(2) of the BNSS. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the following conditions:-

1 The petitioner shall not get involved in any other crime till the conclusion of the trial. In case, the petitioner is involved in any other crime, the prosecution would be at liberty to move an application for cancellation of bail.

2. The petitioner shall cooperate with the Investigating officer during the course of investigation and shall also answer any questionnaire, which may be put to him.

3. The petitioner shall also hand over his mobile phone to the police for the purpose of investigation.

17.07.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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