



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

101-2

CRM-M-38931-2025

Date of decision: 23.07.2025

SAGAR

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM : HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. G.C. Shahpuri, Advocate
for the petitioner.

Mr. Sushil Bhardwaj, Addl. AG, Haryana.

SANDEEP MOUDGIL, J.(ORAL)**1. Prayer**

This petition has been filed under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.170 dated 04.07.2025 under Sections 61(2) & 111(2)(b) of BNS, 2023 and Section 25(6) of Arms Act, registered at Police Station Chhapar, District Yamuna Nagar.

2. Contentions**On behalf of the petitioner**

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case as he has not committed any crime as alleged by the prosecution. Learned counsel submits that on 03.07.2025, the police party apprehended co-accused namely, Jasbir, Lakshay, Shivam and Shah Mohammad on receiving secret information and one country made pistol and four live cartridges were recovered. Learned counsel submits that the present petitioner was not even

present at the spot or associated with the alleged accused persons. He was named in the FIR only on the basis of disclosure statement made by the co-accused, no role has been attributed to him and nothing has been recovered from him.

Learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

On behalf of the State

Mr. Sushil Bhardwaj, Addl. AG, Haryana appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that the co-accused have disclosed the name of the petitioner as a part of their gang and thus warrants the need for custodial interrogation.

3. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties it is found that no recovery has been effected from the petitioner; no specific role has been attributed to the petitioner; the name of the petitioner was nominated in the instant FIR on the basis of disclosure statement of co-accused and State has failed to make out the case against the petitioner as to why his custodial interrogation is required. Hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

4. **Relief**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

‘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.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

23.07.2025

Nisha Yadav

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No