



CRM-M-42151-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42151-2025

Date of Decision: 04.09.2025

SHAH MOHAMMAD

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

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

Mr. Ramesh Kumar Ambavta, DAG, Haryana.

YASHVIR SINGH RATHOR, J. (Oral)

1. This is first petition under Section 483 of BNSS, 2023 for grant of regular bail in case FIR No.170, dated 04.07.2025, registered at Police Station Chappar, District Yamuna Nagar, under Sections 61(2) and 111(2)(b) of BNS, 2023 and Section 25(6) of Arms Act, 1959.

2. Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.

3. Brief facts of the prosecution case are that on 03.07.2025 at about 4.30 PM, a secret information was received by the police that few persons were sitting in a car bearing registration No.UK07AR-8715 near a tubewell situated in Village Harnaul, District Yamunanagar for committing some crime. On the basis of said information, a raid was conducted and four persons namely Jasbir, Lakshay, Shivam and Shah Mohammad (petitioner) were apprehended. One country made pistol and



four live cartridges were recovered from Jasbir. The offence under Sections 61(2) and 111(2)(b) of BNS, 2023 and Section 25(6) of Arms Act, 1959 were found to have been committed and formal FIR was registered.

4. Learned counsel for the petitioner argued that petitioner has been falsely implicated in the present case. The provisions of Section 111(2)(b) of BNS have been wrongly incorporated in the FIR. There is no evidence that the petitioner alongwith co-accused had come to commit any crime or that he belongs to any such gang of criminals. Petitioner is the first offender and he is not involved in any other case. No weapon was recovered from his possession. Petitioner is a young boy aged 19 years. He is in custody since 04.07.2025. The investigation and trial is likely to take sufficiently long time to conclude and in these circumstances, further detention of the petitioner is not required and he deserves to be released on bail.

5. On the other hand, learned State counsel, on instructions from ASI Daljit Singh, has opposed the bail and argued that petitioner belongs to Baba Gang and they had come to the said place with an intention to commit some crime and in view of gravity of offence, petitioner does not deserve the concession of regular bail.

6. No weapon has been recovered from the possession of the petitioner. He was found sitting in the car alongwith three more persons and one country made pistol and four live cartridges were recovered from one of the co-accused. As to whether the offence under Section 111(2)(b) of BNS is attracted or not shall be a moot question during the trial and this question can be decided only after prosecution leads its evidence.

Petitioner is a young boy aged 19 years. He is in custody since 04.07.2025. Investigation and trial will certainly take a long time to conclude and no useful purpose shall be served by keeping him in custody any more.

7. Having regard to the aforesaid factual position, but without commenting anything on the merits of the case, the bail application is allowed and petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(YASHVIR SINGH RATHOR)
JUDGE

04.09.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No