



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

212

CRM-M-42542-2025 (O&M)

Date of decision: 03.12.2025

Nirbhay Kumar @ Amit

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Anshul Khurana, Advocate, for the petitioner.

Mr. Gautam Kaile, DAG Haryana

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.130 dated 12.05.2025, registered under Sections 25 and 25(1)(a) of Arms Act at Police Station Sarai Khawaja, Faridabad.

2. Learned counsel contends that the petitioner has been in custody for 06 months and 29 days. As per the allegations, 05 country made pistols were recovered from him which was allegedly purchased from co-accused Ram Kumar and Mohit, who have since been granted bail vide orders dated 01.09.2025 and 08.09.2025 respectively. There is no allegation that these were used in the commission of any offence. *Challan* was presented on 11.07.2025, but charges have not been framed so far. In all there are 12 prosecution witnesses. He is not involved in any other case.



3. Learned State counsel opposes the bail on the ground that the recovery of alleged arms were effected from the petitioner. However, he is unable to controvert the submissions with regard to stage of the trial and the petitioner being not involved in other case.

4. Heard.

5. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 06 months and 29 days; not involved in any other case; co-accused are on bail; *challan* was presented on 11.07.2025, but charges are to be framed; there are a total of 12 prosecution witnesses, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

6. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.



- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

7. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

8. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

03.12.2025

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