

CRM-M-44979-2025

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

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CRM-M-44979-2025

Date of decision: 25.08.2025

Kapil alias Ravi

....Petitioner

Versus

State of Haryana

...Respondent

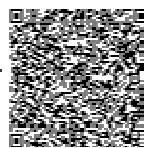
CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Dr. Jaiveer Singh Malik, Advocate and
Mr. S.S.Sangwan (Sumit), Advocate,
for the petitioner.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

AMAN CHAUDHARY. J.

1. Prayer in the present petition filed under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner in case FIR No.252 dated 17.07.2024, under Sections 109(a), 111(2A), 121(1), 132 and 221 of BNS, 2023 and Sections 25(6) (7) and 29 of the Arms Act, at Police Station Sadar Hansi, District Hansi.
2. Learned counsel contends that the petitioner has been in custody for 1 year and 7 days for the offence under the Arms Act. The petitioner has been falsely implicated in this case. The allegation against the petitioner is of having supplied arms to co-accused, regarding which he states, as mentioned in para 6 of the petition also, that the petitioner was in custody at the time of the alleged incident. Charges were framed on 25.02.2025, however, none out of 37 witnesses



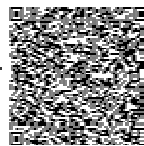
has been examined. The petitioner is involved in 4 more cases, two of which are under the Arms Act and he is on bail in all cases. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner and he is a habitual offender. He is, however, unable to controvert the submissions with regard to stage of the case.

4. Heard.

5. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc." Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, "The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail."

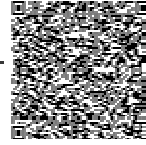
6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year and 7 days; out of 37 witnesses, none has yet been examined; the trial is likely to take a considerable time and his further incarceration would not serve any useful purpose, the present petition is allowed.



7. 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.

8. 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.



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9. 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.

25.08.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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