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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51946-2024 (O&M)
Date of decision : 11.02.2025

Rakesh Kumar

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sourabh Sheoran, Advocate,
and Mr. Kender Mani, Advocate for the petitioner.

Mr. Neeraj Sheoran, D.A.G., Haryana.

MAHABIR SINGH SINDHU, J.

Petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short, 'the B.N.S.S.'*) has been filed for grant of pre-arrest bail to the petitioner in FIR No.106 dated 13.09.2024, under Section 287 [Sections 253 & 61(2) added subsequently] of the Bharatiya Nyaya Sanhita, 2023 (*for short, 'the BNS'*); and Section 25 of the Arms Act, 1959, registered at Police Station Nizampur, District Mahendergarh.

(2) Learned Counsel contends that petitioner was granted interim bail by the Coordinate Bench, vide order dated 19.10.2024 and in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.

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(3) The above factual position is not disputed by learned State Counsel, on instructions from the quarter concerned and submits that as per on today, custodial interrogation of the petitioner is not required.

(4) Heard learned Counsel for the parties and perused the paper-book.

(5) It transpires that petitioner was granted interim bail by the Coordinate Bench, vide order dated 19.10.2024 and the order reads as under:-

“Petitioner has filed instant petition under Section 482 of BNSS, 2023 for grant of anticipatory bail in FIR No.106 dated 13.09.2024 under Section 287 of BNS, 2023 and Section 25 of Arms Act (Section 253 and 61 (2) of BNS added later-on) registered at Police Station Nizampur, District Mahendragarh.

Learned counsel for petitioner argued that he is falsely implicated in this case. In-fact he is named by the co-accused arrested by the police. On further enquiry, learned counsel for petitioner disclosed that Raman and Ramesh Kumar have been arrested and granted bail by the learned Magistrate. Present petitioner is named by the aforesaid accused. He is ready to join the investigation.

Notice of motion.

On asking of this Court, Mr. Kanwar Sanjiv Kumar, AAG, Haryana accepts notice on behalf of State. He states that present petitioner is involved in another FIR. He needs time to file status report. It is further alleged that offending weapon is yet to be recovered.

Considering the aforesaid factual position, let status report be filed.

In the meantime, arrest of petitioner is stayed subject to joining of his investigation.

Adjourned to 09.12.2024.”

(6) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

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(7) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 19.10.2024 is made absolute subject to the conditions as envisaged under Section 482(2) BNSS.

(8) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(9) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(10) It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

11.02.2025

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No