



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-63522-2024(O&M)

Date of Decision: 07.02.2025

NASEEB ALIAS NASEEB KUMAR AND OTHERPetitioners

VERSUS

STATE OF HARYANA

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Ms. Supriya Arora, Advocate for
Mr. Pranshul Dhull, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana and
Mr. Anil Kumar Chahal, DAG, Haryana.

MANISHA BATRA, J. (Oral)

Through the instant petition under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, the petitioner seeks pre-arrest bail in case
FIR No.362 dated 06.09.2024 registered under Sections 25(1-B)(a) of Arms
Act at Police Station City Narnaud, District Hisar.

2. Vide order dated 17.12.2024 passed by this Court, the
petitioners were released on interim bail and were directed to join
investigation which is reproduced as under:-

*“The present petition has been filed under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 (for short-‘BNSS’)
by the petitioner for grant of anticipatory bail in case arising
out of FIR No.362 dated 06.09.2024 registered under Sections
25(1-B)(a) of Arms Act, at Police Station City Narnaud, District
Hisar.*



As per the allegations, the aforementioned FIR had been registered on the basis of a complaint lodged by the complainant-Constable Kapil posted as a Security Officer at Police Station Narnaud on the allegations that the petitioner No.1-Naseeb @ Naseeb Kumar had created an ID on instagram and had posted his photographs with other petitioners while carrying swords and other arms with in intent to create terror in the society. After registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending their arrest, the petitioners had moved an application for grant of anticipatory bail which had been dismissed by the Court of learned Additional Sessions Judge, Hisar vide order dated 12.12.2024.

It is argued by learned counsel for the petitioners that they have been falsely implicated in this case as they had not posted any photographs on social media. No ID was created by either of them. Their custodial interrogation is not required and they are ready to join the investigation. No recovery is to be effected from them. Therefore, it is urged that they deserve to be given concession of pre-arrest bail.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

Adjourned to 07.02.2024.

In the meantime, the petitioners are directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of their arrest, the Investigating/Arresting Officer shall release the petitioners on ad-interim bail subject to his/her satisfaction. The petitioners



shall also abide by the conditions as envisaged under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.”

3. Status report has been filed by respondent-State. The same is taken on record and be tagged at the appropriate place. Further submits that the petitioners have joined the investigation on 26.12.2024. However, their mobile phones have not got recovered which are required to be taken into custody by the police for the purpose of proper investigation in the matter. It is also submitted that weapons which the petitioners were shown to be carrying in the photographs posted on the instagram have also not been recovered.

4. In the considered opinion of this Court, non-recovery of alleged weapons and mobiles cannot itself be a ground to deny the benefit of bail to the petitioners. Therefore, keeping in view the above facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 17.12.2024 granting interim bail to the petitioners, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

07.02.2025
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | Whether speaking/reasoned | Yes/No |
| 2. | Whether reportable | Yes/No |