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

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Date of Decision: 19.12.2025

Mukul

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Pardeep Panwar, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.377 dated 01.10.2025 registered under Section 25(1-B)(a) of the Arms Act, 1959 at Police Station City Ballabhgarh, District Faridabad.

2. Brief facts of the present case are that as per the prosecution, on 01.10.2025, ASI Mustak, along with his fellow police officials was on patrolling duty and on the basis of secret information, apprehended one person, namely, Brijesh, who was found in conscious possession of one country made pistol along with seven alive cartridges without any permit or license. Initially, the FIR in question was registered against the said co-accused Brijesh.

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3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that the petitioner was neither named in the FIR nor was present at the spot and he has no concern with the said offence. It has also been contended that the petitioner has been nominated as an accused only on the basis of the disclosure statement made by co-accused Brijesh and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible. No recovery is to be effected from the petitioner. Learned counsel has further submitted that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Faridabad, vide order dated 28.11.2025.

5. On the other hand, learned State counsel has filed the status report in the matter, which is taken on record and while referring to the same, has opposed the prayer for grant of anticipatory bail, by submitting that the allegations levelled against the petitioner are serious in nature. He argued that the alleged recovery in the present case was effected from co-accused Brijesh and as per disclosure statement of said co-accused, he had purchased the said country made pistol along with live cartridges from the petitioner for an amount of Rs.50,000/-. Relying upon the status report, he further argued that the petitioner is the supplier of the illegal weapons.



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He has further submitted that the petitioner is involved in three more cases meaning thereby he is a habitual offender. He further argued that custodial interrogation of the petitioner is required to ascertain the source from where he obtained these weapons and to whom he had further sold these weapons and to recover the amount he obtained from co-accused Brijesh by selling country made pistol. Hence, he prays for dismissal of the petition.

6. Heard.

7. In the present case, the allegations against the petitioner are serious in nature. As per the prosecution, the weapon i.e. country made pistol along with live cartridges, which were recovered from co-accused Brijesh was sold to him for Rs.50,000/- by the present petitioner, which *prima facie* connects the present petitioner with the alleged recovery. The investigation *prima facie* indicates involvement of the petitioner in the business of illegal weapons.

8. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma**', (1997) 7 SCC 187, wherein it has been held as under:

"6. We find, force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable



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order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful information and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders."

9. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is hereby dismissed.

10. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

19.12.2025

D.Bansal

(RUPINDERJIT CHAHAL)
JUDGE

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