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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.17883 of 2026
Date of decision: 10.04.2026

Rinku ... Petitioner

Vs.

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Manjit Singh Gahlawat, Advocate,
for the petitioner.

Mr. Vikram Singh, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
09	08.01.2026	Pundri, District Kaithal, Haryana	25(1-B) (a) of Arms Act, 1959

2. As per the allegations, on 08.01.2026, a secret information was received to the effect that the accused Pradeep was present near the bridge of Hansi Butana canal and that he was carrying a countrymade

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pistol. It was also informed that he could be apprehended with the illicit weapon. Believing the secret information to be true, a raiding party was formed which reached at the informed place and apprehended the accused Pradeep and two .32 bore pistols along with 04 live cartridges were recovered from his conscious possession. He failed to produce any licence for sustaining the same and was formally arrested. On interrogation, he suffered disclosure statement to the effect that the recovered weapon was purchased by him from the present petitioner for a sum of Rs.20,000/-. The petitioner was nominated as additional accused. Apprehending his arrest, he moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Sessions Judge, Kaithal vide order dated 24.03.2026.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He was not named in the FIR. He is ready to join investigation. No recovery is to be effected from him. His custodial interrogation is not required. It is, therefore, argued that he deserves to be given concession of pre arrest bail.

4. Status report has been filed. Learned Assistant Advocate General, Haryana has argued that for the purpose of recovery of amount of Rs.20,000/- which was taken by the petitioner from the co-accused, his

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custodial interrogation is must. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have supplied/sold two countrymade pistols and 04 live cartridges to the co-accused Pradeep for a sum of Rs.20,000/-. He has been nominated on the basis of disclosure statement of co-accused. The veracity of the allegations as levelled against the petitioner is to be tested on the basis of evidence to be produced during trial. Given the nature of the allegations as levelled against him, this Court is of the considered opinion that pre trial incarceration of the petitioner is not required. Even otherwise, pre trial incarceration should not be a replica of post conviction sentencing. Taking into consideration the above discussed facts, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrendering before the Investigating Officer/Arresting Officer within a period of 15 days from the date of passing of this order and joining investigation. On his surrender within that period, he shall be released on bail by the Investigating Officer/Arresting Officer on furnishing personal/surety bonds to his/her satisfaction. He shall also follow these conditions:-

- (i) The petitioner shall cooperate with the investigation and shall appear before the Investigating officer/Arresting officer

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as and when required during the course of investigation.

(ii) He shall not directly or indirectly make any inducement, threat 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.

(iii) He shall not commit any similar offence while on bail.

(iv) He shall not leave the country without prior permission of the Court.

(iv) He shall deposit his passport if any, with the jurisdictional Magistrate/trial Court.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

10.04.2026
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No