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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-20438-2026

Date of decision: 22nd April, 2026

Robin

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ankur Dua, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 332 dated 07.11.2025 registered under Sections 25(1)(B) of Arms Act, 1959 (Sections 111(3) and 61(2) of BNS added later on) at Police Station Uchana.

2. As per the allegations, on 07.11.2025, the petitioner and co-accused Gaurav @ Pandit were apprehended by a patrolling police party on the basis of suspicion and on conducting search, one country made pistol of .32 bore was recovered from the jeans worn by the petitioner and 02 live cartridges were also found loaded inside the magazine. The accused Gaurav @ Pandit was also found in conscious possession of one country made pistol of 315 bore with 02 live rounds. The recovered weapons and cartridges were taken into possession by the police. The petitioner and co-accused were

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formally arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. The ingredients for commission of offence punishable under Section 111(3) of BNS are not at all attracted in this case. He is in custody since 07.11.2025. He is not required for further investigation. The trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. It is, thus, argued that the petition deserves to be allowed.

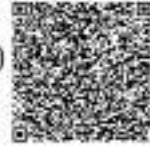
4. Notice of motion.

5. Learned State counsel has advance notice of the petition and is ready to argue the matter. While placing on record custody certificate of the petitioner, it is argued by him that the allegations against the petitioner are serious in nature. He is a habitual offender being involved in two more cases. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

7. The petitioner along with the co-accused is alleged to have been found in conscious possession of illicit weapons and ammunitions. The allegations make out a prima facie case for commission of offence punishable under Section 25(1) (B) of Arms Act. It is only a matter of evidence as to

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whether the ingredients of offence under Section 111(3) of BNS are attracted in this case or not? The petitioner is in custody since 07.11.2025. Investigation stands concluded. Even charges have not been framed and therefore, there are no chances of conclusion of trial in near future. No useful purpose would be served by detaining the petitioner in custody anymore. It is well settled proposition of law that bail is the rule and jail is an exception and that pre-trial incarceration should not be a replica of post-conviction sentence. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a punishment. Taking into consideration the nature of the subject offences, the period spent by the petitioner in custody and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

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

9. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

22nd April, 2026

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*