

2025:PHHC:076108



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

**CRM-M-32489-2025
DECIDED ON: 16.06.2025**

EZAZ ALIAS EZAZ KHAN

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Afjal Hussain, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 12, Dated 25.01.2025, Under Section 109(1), 126(2) of BNS, 2023 and 25 of Arms Act registered at P.S. City Punhana, District Nuh.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“To the Incharge City Police Station (Punhana). Subject- For shooting with the intention to kill me. Sir, I humbly request that I am Munfaid son of Yunus, a permanent resident of village Samasabad Khechatan Punhana. I am a permanent resident of Punhana village. I left home in the morning for some work, as soon as I reached a little before Sikarawa turn, my brother Zaid son of Yunus parked his Swift car number HR 93 C 4758 of white color in front of my car and he had a pistol in his hand with which he fired 3 consecutive bullets on me, from which I narrowly escaped. Isaak Chandanki and Hannas Samasabad Khechatan were present on the spot, they saved my life and after that I saved my life and ran away from there, after this I

saved my life and recovered it from there. And Zaid son of Yunus ran away from there. Hence I request you to please help me and take action soon. Name- Munfaid M-9729825223 DT-25/01/25 SD-MUNFED Munfaid son of Yunus”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of the disclosure statement made by the main accused, alleging that the petitioner supplied the weapon used in the commission of the offence. It is further submitted that the said weapon was, in fact, recovered from the possession of the main accused himself. Counsel further submits that the petitioner is ready and willing to join the investigation and cooperate with the Investigating Agency.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Ms. Mayuri Lakhanpal Kalia, DAG Haryana, accepts notice on behalf of respondent/State. She prays for dismissal of the present petition stating that the petitioner supplied the weapon to the main accused and the same was used in the commissioning of offence.

4. **Analysis**

Considering the fact that no incriminating material has been placed on record by the State to substantiate the aforesaid disclosure statement, and further that the State has failed to establish any necessity for custodial interrogation of the petitioner, as nothing is to be recovered from him added with the fact that the petitioner is not involved in any other case, meaning thereby he is a person of clean antecedents, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide*

intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

'When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person 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 from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

16.06.2025

Meenu

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*