



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

106

CRM-M-7107 of 2025

DATE OF DECISION :- 06.02.2025

Sanjay Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Kuldeep Singh Siwach, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory bail to the petitioner in FIR No. 331 dated 16.07.2024, registered under Sections 111(3), 310(4), 310(5) of Bharatiya Nyaya Sanhita, 2023 & Section 25 (Act No. 54) of the Arms Act at Police Station City Fatehabad, District Fatehabad.

2. Brief facts of the case relevant for the disposal of the present petition are that the aforementioned FIR has been registered on the allegations that on 16.07.2024, a police party headed by ASI Surendra Pal was present at old Bus Stand, Fatehabad when a secret information was received regarding presence of 15 persons in front of Star Light Restaurant existing in the market area. It was informed that they were armed with weapons and were making preparation to commit offence of robbery by



getting organized a gang and if a raid was conducted, they could be apprehended with illegal weapons and ammunitions. Believing the secret information to be true, a raiding party was immediately formed which rushed towards the informed place which was a shop and on reaching there, 14 persons were found sitting therein. They were apprehended and huge quantity of weapons, live cartridges, cash money was effected from them. Recovery of one 12 bore gun, a .32 bore revolver and 10 live cartridges was effected from co-accused Vikram @ Pehlwan. The same were taken into custody by the police. Recovery memos were prepared. The apprehended accused were formally arrested.

3. During investigation it was revealed that the 12 bore gun recovered from co-accused Vikram @ Pehlwan was a licensed gun issued in the name of the present petitioner who is serving in Indian Army and the 05 live cartridges were also of the same gun. The petitioner was nominated as an accused.

4. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Fatehabad vide order dated 21.01.2025.

5. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case in fact, the co-accused Vikram @ Pehlwan is his cousin brother who had visited the house in his absence and had taken away the fire arm belonging to him while the petitioner was performing his duty at Bathinda. He has nothing to do with the offence. His custodial interrogation is not required. No recovery is to be effected from him. The allegations that he had hatched a conspiracy with the co-accused are false on the face of the record. He is ready to join the investigation. No



material has been collected by the investigating agency to connect him with the subject offences. Therefore, it is urged that he deserves to be extended the benefit of pre-arrest bail.

6. Notice of motion.

7. Mr. Apoorv Garg, Senior Deputy Advocate General, Haryana has advanced notice of the petition and is ready to argue the matter.

8. It is submitted by learned Senior Deputy Advocate General, Haryana that there are serious and specific allegations against the petitioner. He is an Army Officer and was allotted a licensed weapon. This weapon was, however, found in custody of the co-accused Vikram @ Pehlwan who is a member of organized crime involved in committing offences of robbery and dacoity etc. The complicity of the petitioner in commission of the aforementioned offences is prima-facie established. His custodial interrogation is required for conducting thorough and proper investigation in the matter. No extraordinary and exceptional circumstance has even otherwise been made out for extending the benefit of pre-arrest bail to the petitioner. Therefore, it is urged that the petition is liable to be dismissed.

9. I have heard learned counsel for the parties at considerable length and have perused the material placed on record.

10. The allegations against the petitioner are that he was having a licensed gun and 05 live cartridges issued in his name. The said gun and cartridges have been recovered from co-accused Vikram @ Pehlwan by the police while he along with co-accused was making preparation for committing offence of robbery and other grave offences. The plea, as taken by the petitioner that his licensed weapon was removed in his absence by the



co-accused does not appear to be probable at this stage. The allegations against the petitioner are serious in nature.

11. In my considered opinion, the custodial interrogation of the petitioner is must for the purpose of eliciting the truth about the manner in which the recovery of his weapon had been effected from the co-accused. Even otherwise, the powers under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 are extra ordinary and exceptional in nature and in the present case no such circumstance has been made out warranting exercise of such powers by this Court. As such, I see no reason to allow the petition. Accordingly, the same is dismissed.

06.02.2025*p.singh***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*