

241 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44436-2025
Reserved on: 03.09.2025
Pronounced on: 09.09.2025

NAKSHATRA @ NAKSHU

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Monu Sharma, Advocate for
Mr. Rohit Mittal, Advocate for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
215	12.07.2025	Khol, District Rewari	25/29(1-b)(a)-54-59 of Arms Act

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. Per paragraph 04 of the bail application and para 11 of the status report dated 20.08.2025, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	143	05.04.2025	25 of Arms Act	Rampura, Rewari
2.	145	25.05.2023	25 of Arms Act	Rampura, Rewari
3.	101	25.07.2024	308/109/251/2(5) of BNS, Section 25 of Arms Act	Jatusana, Rewari
4.	48	24.02.2023	307/281/34 of IPC and 25 of Arms Act	City Rewari
5.	206	26.06.2023	351(2)/109(1)/3(5) and 61(2) of BNS and Section 25 of Arms Act	City Rewari

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“That the brief facts leading to the registration of the aforementioned FIR are that on 12.07.2025 police party were present for patrolling at Kund Bus Stand when a secret informer met the police personnel and stated that a young boy

who had illegal country made weapon was currently sitting on the roof of an old ruined house on the temple road on the right side of the road going from Kund to Khol on Kund-Khol Road, if an immediate raid is conducted then he can be country made apprehended with illegal weapon. Believing the informer's information to be true, raiding party was constituted, and upon reaching the ruined house mentioned by the informer, a young boy was found sitting on the roof of the ruined house. On seeing the police party, he jumped from the roof towards the inside of the house. He was apprehended and when asked his name and address, he told his as Gaurav name son of Satish, resident of Katopur Mohalla, Rewari. He was searched as per rules, and upon search, a country-made pistol was recovered from the left pocket of his trousers, when it was carefully opened and checked, two live rounds were found in the magazine of the pistol. He was asked to produce the license and permit in respect of which, he could not produce it. On measuring, KF 7.65MM pulp was found on the base of both the rounds and on measuring the body of the country made pistol, the length of the Barrel iron was 10 cm and the length of the body iron was 16.5 cm and the length of the butt was 10 cm. A separate sketch of the weapon magazine and 2 live rounds was prepared. The recovered articles were taken into possession after duly converting them into a sealed parcel. Accordingly FIR aforementioned was registered and investigation was taken up in the matter.”

4. Counsel for the petitioner submits that the petitioner was not named in the FIR. His name surfaced on the basis of disclosure statement of the co-accused, namely, Gaurav from which recovery had been effected. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“10. Role of the petitioner:

As per the investigation, the petitioner is the person who had provided illegal weapon to co-accused Gaurav after having procured it from co-accused Sameer and had taken Rs.15,000/- from Gaurav against the weapon and ammunition.”

REASONING:

7. Allegations against the petitioner are that he provided illegal weapon to co-accused against money and his name surfaced in the disclosure statement of co-accused. Recovery of illegal weapon has already been effected.

8. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage, but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial

interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage.

10. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

11. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

CONDITIONS:

12. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

13. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

14. This order is subject to the petitioner's complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

16. Given the background of allegations against the petitioner, it becomes paramount to protect the members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days of the uploading of this order on the official webpage of this Court and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

17. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense. In *Mohammed Zubair v. State of NCT of Delhi*, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

18. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

19. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

20. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

21. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the concerned Court, which shall be at liberty to cancel this bail.

22. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

23. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

24. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

09.09.2025
renubala

Whether speaking/reasoned: Yes
Whether reportable: No.