



CRM-M-30925-2025

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

CRM-M-30925-2025
Decided on: 11.07.2025

Rohit Abrol @ Nitesh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Anmol Thakur, Advocate for
Mr. Deepak Arora, Advocate
for the petitioner.

Mr. J.S. Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
34	19.04.2025	Dhariwal, District Gurdaspur	25/54/59 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. Vide order dated 29.05.2025, the petitioner was granted interim bail, which continues to date.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That present FIR No.34, dated 19.04.2025, U/s 25/54/59 of Arms Act, 1959, Police Station Dhariwal, District Gurdaspur was registered on the statement of ASI, Sukhdev Singh that on 19.04.2025, ASI Sukhdev Singh alongwith ASI Balbir Singh 700/GSP, PHG Parvez Masih 108, PHG Jaspreet Singh 12778 were on their private vehicles having laptop & printer with them and were carrying patrolling duties looking for bad elements and were present at Dadwan Chowk, Dhariwal that a secret informer came present and gave information that on social media one photo is being viral in which one young person namely Rohit Abrol (petitioner), who has been holding four weapons in his hand and that photo is viral on social media and the aforesaid young person is



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encouraging the youngsters while provoking them to have the arms which is serious violation of the orders the Hon'ble Punjab Government and therefore for getting the case registered against Rohit Abrol (petitioner) son of Janak Raj, resident of Arya Samaj Mandir Road, Dhariwal District Gurdaspur; ruqa after being reduced in writing is being sent through PHG Jagpreet Singh 12778 to the police station for registration of a criminal case.”

4. The petitioner's counsel on instructions submits that petitioner undertakes not to keep illegal weapons and if he has such weapon, he shall surrender the same on or before 18.07.2025. He further undertakes that petitioner shall not display any weapon on the social media and if he does so, he has no objection if the State files an application for cancellation of bail. Counsel further prays for bail by imposing any stringent conditions. The petitioner's counsel argued that the custodial investigation would serve no purpose whatsoever and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

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

REASONING:

6. Given the undertaking by the petitioner, this Court deems it appropriate to grant one opportunity to the petitioner to course correct and live as a decent human being. As concerned for the recovery of weapon, enough opportunity was granted to the investigator to recover the same, moreover he is at liberty to investigate the petitioner further.

7. There is sufficient prima facie evidence connecting the petitioner with the alleged offense; still, it is neither a case for custodial interrogation nor pre-trial incarceration. Although 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 the same for the bail stage.

8. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator.

CONDITIONS:

9. The petitioner is directed to join the investigation as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioner shall join the investigation as and when called by the



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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.

10. Given the background of allegations against the petitioner, it becomes paramount to protect the complainant, witnesses, and 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 firearm(s). [This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond 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 and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal, provided otherwise permissible in 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.

11. 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."

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

13. **Petition allowed** in terms mentioned above. Interim order dated 29.05.2025 is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

11.07.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.