



CRM-M-68901-2025 (O&amp;M) 1

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

(246)

**CRM-M-68901-2025 (O&M)  
Date of decision : 16.02.2026****DEEPAK****... Petitioner****Versus****STATE OF HARYANA****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA****Present: Mr. Mudit Johar, Advocate and  
Mr. Abhimanyu Singh, Advocate for the petitioner****Mr. Aditya Pal Singla, AAG, Haryana****\*\*\*\*\*****MANISHA BATRA, J. (ORAL)**

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") for grant of regular bail in case arising out of FIR No.0235 dated 14.08.2025 registered under Sections 25(1-B)(a) of the Arms Act, 1959 (Section 29(b) of the Arms Act and Section 111(2)(b) of BNS, 2023 have been added later on) at Police Station Faruukhnagar, District Gurugram.

2. As per the allegations, on 14.08.2025, a secret information was received to the effect that the petitioner being armed with illicit weapon was present near Dabodha Mod, Faruukhnagar and if raid was conducted, he could be apprehended with illicit weapon. Believing the secret information to be true, a raiding party was formed which reached at the informed place. The secret informer identified the petitioner from some distance and he was apprehended. On conducting search, 01 countrymade pistol and 01 live cartridge was



recovered from conscious possession of the petitioner. He failed to produce any licence or permit for keeping the same. He was formally arrested. Weapon was also taken into custody. Investigation now stands concluded.

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. He is in custody since long. He is not required for further investigation as the same stands concluded. No 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, therefore, argued that the petition deserves to be allowed.

4. Status report and custody certificate have been filed. Learned State counsel has argued that there are serious allegations against the petitioner. He is a habitual offender as he is involved in 04 more cases registered against him. There are chances of his committing similar offences or absconding, if extended benefit of bail. It is, thus, argued that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by both the parties at considerable length.

6. The petitioner is in custody since 14.08.2025. Investigation stands concluded. It is only on the basis of thorough assessment of the evidence to be produced during trial that any conclusion as to his involvement in commission of offence punishable under Section 111(2) of BNS can be drawn. The offence



under Section 25(1-B)(a) of Arms Act is triable by Magistrate. Because of his involvement in other cases, he cannot be denied concession of bail. It is well settled proposition of law that pre-trial incarceration shall not be replica of post-conviction sentencing and bail is the rule and jail is an exception. The object of the jail is to secure appearance of the accused during trial, and it cannot be preventive or punitive. Taking into consideration the above discussed facts but without meaning to make any comment upon the merit 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 admitted to bail subject to his furnishing personal and surety bonds to the extent of 02 sureties to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

**(MANISHA BATRA)**  
**JUDGE**

**16.02.2026**  
*Amit Sharma*

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