

In the Court of Ms. Raj Gupta, Sessions Judge, Palwal UID No.HR0110

CNR No. HRPL01-006027-2026

CIS No. BA-1605 -2026

Case No. 262 of 2026

Date of Institution: 13.07.2026

Date of Order: 15.07.2026

Rahul son of Satbir Singh, aged about 31 years, resident of House No. 547,
village Mitraon, South West Delhi.

Applicant

Vs.

State of Haryana

...Respondent

FIR No. 874 dated 08.12.2016

U/S : 25 of Arms Act

P.S. Sadar, Palwal

Application for bail under Section 482 BNSS

Present: Shri Nasir Khan, Ld. Counsel for the applicant.
Shri Brij Mohan, Ld. Public Prosecutor for the State

ORDER:

1 This order shall dispose of the application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the applicant-accused (Rahul) seeking the concession of pre-arrest/anticipatory bail in FIR No. 874 dated 08.12.2016, registered under Section 25 of the Arms Act, 1959 at Police Station Sadar, Palwal.

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2 Upon notice, a written reply and status report to the bail application has been filed by the investigating agency through the learned Public Prosecutor for the State, which is taken on record.

3 Learned counsel for the applicant has vehemently argued that the applicant has been falsely implicated in the present case. It is submitted that the FIR pertains to an alleged offense under Section 25 of the Arms Act, which is undisputedly triable by a Magistrate of the First Class. He further admits that although the applicant was initially granted interim protection/bail, he was subsequently declared a Proclaimed Offender (P.O.) vide order dated 18.12.2018 due to non-appearance arising out of a communication gap and bona fide reasons. Learned counsel submits that the applicant is now ready and willing to surrender before the learned Trial Court, join the proceedings, and face the trial in accordance with the law. To support his contention that pre-arrest bail can be extended to an absentee/P.O. under exceptional conditions to facilitate submission to the due process of law, he has placed reliance on the principles laid down by the Hon'ble Punjab and Haryana High Court.

4 On the other hand, the learned Public Prosecutor for the State has strongly opposed the bail application. He argues that the applicant evaded the process of law for a considerable period and was rightly declared a

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Proclaimed Offender on 18.12.2018. He contends that an accused who does not respect judicial orders does not deserve the discretionary relief of anticipatory bail and prays for the dismissal of the application.

5 I have heard the learned counsel for the applicant as well as the learned Public Prosecutor for the State and have meticulously perused the case file.

6 It is an admitted position that the case involves an offense exclusively under Section 25 of the Arms Act, 1959, which is triable by a Magistrate of the First Class. No other heinous offense or physical violence is attributed to the applicant in the present FIR. While the conduct of the applicant in jumping bail and being declared a Proclaimed Offender on 18.12.2018 is serious, the primary purpose of criminal procedure is to secure the presence of the accused to face trial rather than to punish them prior to conviction.

7 The Hon'ble Punjab and Haryana High Court has consistently held that even if an accused has been declared a Proclaimed Offender, the court can grant protection to enable the accused to surrender before the Trial Court and join the mainstream legal process. In the case of "Surinder Singh v. State of Punjab, 2021(1) R.C.R.(Criminal) 554" and keeping in view the spirit of the landmark rulings of the Hon'ble Apex Court and High Court,

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when an accused undertakes to subject himself to the jurisdiction of the Trial Court, a balanced approach ought to be adopted to advance the cause of justice. Restricting the freedom of the applicant at this stage would serve no useful purpose since the offense is magisterial and the applicant is willing to surrender. Therefore, to ensure his presence before the Trial Court without the immediate hazard of incarceration, this Court deems it fit to allow the present application with stringent conditions.

- In view of the above findings, the present application for anticipatory bail is allowed. It is ordered that the applicant shall appear/surrender before the learned Trial Court within a period of 10 days from today.
- In the event of his surrender, the learned Trial Court, after summoning the relevant case file, shall admit the applicant to bail to its satisfaction, subject to the applicant furnishing fresh, adequate bail bonds and surety bonds as required by that Court.
- This relief is subject to the conditions that the applicant shall regularly appear before the learned Trial Court on each and every date of hearing unless specifically exempted, he shall not tamper with the prosecution evidence or influence any witnesses, and he shall not leave the country without prior permission of the Trial Court.

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- In case the applicant fails to surrender before the Trial Court within the stipulated timeframe of 10 days, this order shall automatically stand vacated, and the law shall take its own course.
- The Trial Court shall proceed further with the matter expeditiously and in accordance with the provisions of law.
- A copy of this order be sent to the quarters concerned. The file be consigned to the record room after due compliance.

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Note : All the five pages of this judgment have been checked and signed by me.

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Rahul vs State

Present: Shri Nasir Khan, Ld. Counsel for the applicant.
Shri Brij Mohan, Ld. Public Prosecutor for the State

Reply filed. Arguments heard. Vide my separate judgment of even date, the bail in hand stands allowed. File be consigned to records, after due compliance.

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