

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

Cr.M.P.(M) No.2351 of 2025

Reserved on: 06.10.2025

Decided on: 15.10.2025.

Anil Kumar

..... Petitioner

Versus

State of Himachal Pradesh

.....Respondent

Coram**The Hon'ble Mr Justice Rakesh Kainthla, Judge.*****Whether approved for reporting?¹No*****For the Petitioner: Mr Prikshit Rathour, Advocate.****For the Respondent/State: Mr Ajit Sharma, Deputy Advocate General.**

Rakesh Kainthla, Judge

The petitioner has filed the present petition for seeking pre-arrest bail in F.I.R. No. 93/2025, dated 12.09.2025, registered at Police Station, Manpura, District Solan, H.P., for the commission of offences punishable under Sections 25 and 30 of the Arms Act, 1959. It has been asserted that, as per the prosecution, the petitioner had used a firearm while dancing at a function. The police registered the FIR and investigated the matter. The petitioner apprehends his arrest. He had filed



complaints against Senior Police Officials, who threatened the petitioner to implicate him in one case or another. The police have also registered another FIR No. 292 of 2025 dated 7.09.2025 against the petitioner for the commission of offences punishable under Sections 25 and 30 of the Arms Act. The petitioner joined the investigation, and he handed over his gun and gun licence to the police. He was released by the police. The petitioner is willing to join the investigation. He would abide by the terms and conditions which the Court may impose. Hence, the petition.

2. The petition is opposed by filing a status report asserting that the informant made a complaint to the police that he saw a video in which the petitioner had fired a gunshot in a function. The police registered the FIR and seized the video. The petitioner joined the investigation and denied his presence at the function. The petitioner has also not produced two empty cartridges. The police have seized the pistol and the licence in F.I.R. No.292/2025. The location of the petitioner's mobile phone was found near the place of the incident. The petitioner has criminal antecedents. Hence, the status report.



3. I have heard Mr Prikshit Rathour, learned counsel for the petitioner and Mr Ajit Sharma, learned Deputy Advocate General, for the respondent-State.

4. Mr Prikshit Rathour, learned counsel for the petitioner, submitted that the petitioner is innocent and he was falsely implicated. He is ready and willing to join the investigation. He is being falsely implicated due to a complaint made against the police official. He has already produced his licensed weapon and the licence before the police in the earlier F.I.R. Therefore, he prayed that the present petition be allowed and the petitioner be released on pre-arrest bail.

5. Mr Ajit Sharma, learned Deputy Advocate General, for the respondent-State, submitted that the petitioner had fired a gunshot during the function, which endangered human life. The petitioner did not cooperate with the investigation. He refused to acknowledge his presence at the function. Therefore, he prayed that the present petition be dismissed.

6. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

7. Status report shows that the petitioner had used the licensed weapon to fire during the function, which is covered



under Section 25 (9) of the Arms Act, punishable with imprisonment which may extend to two years and fine which may extend to ₹1,00,000/-or both. The prosecution also alleged the violation of the condition of the licence, which is punishable under Section 30 with imprisonment for a term which may extend to six months and a fine which may extend to ₹2,000/- or with both. The Arms Act does not classify the offences into bailable or non-bailable categories. Therefore, recourse is to be had to Schedule I of BNSS, 2023. Part-II of the first schedule of BNSS deals with the classification of offences under other laws and reads as under:-

II. CLASSIFICATION OF OFFENCES AGAINST OTHER LAWS

Offence	Cognizable or non-cognizable	Bailable or non-bailable	By what court triable
If punishable with death, imprisonment for life, or imprisonment for more than 7 years	Cognizable.	Non-bailable.	Court of Session.
If punishable with imprisonment for 3 years, and upwards but not more than 7 years	Ditto	Ditto	Magistrate of the first class.
If punishable with	Non-cognizable.	Bailable.	Any Magistrate



imprisonment for less than 3 years or with a fine only.			
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8. Since the Arms Act does not provide the nature of the offence, hence, Part II of Schedule I has to be considered for determining the nature of the offence. The classification of the offence under other laws shows that if the offence is punishable with imprisonment of less than three years or a fine, it is bailable and triable by any Magistrate. In the present case, the offences punishable under Section 25 (9) of the Arms Act and 30 of the Arms Act are punishable with imprisonment for a period less than three years; hence, the offences are bailable in nature.

9. Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) reads as under: -

482. Directions for the grant of bail to a person apprehending for arrest.—(1) When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

10. A bare perusal of the Section shows that it applies to the non-bailable offence. The reason is that a person accused of a bailable offence is entitled to bail as a matter of right. The petitioner is accused of the commission of a bailable offence,



and his case is not covered under Section 482 of BNSS.

Therefore, the present petition is not maintainable and is dismissed as not maintainable.

11. The observations made herein above are regarding the disposal of this petition and will have no bearing, whatsoever, on the merits of the case.

(Rakesh Kainthla)
Judge

15 October, 2025.
(yogesh)