

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

CRM-M-28839-2021 (O&M)

Date of Decision: 04.08.2021

NIKHIL SANDHU

.....*Petitioner*

V/s.

STATE OF HARYANA

.....*Respondent*

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Bhupender Singh, Advocate, for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

This is the first petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.71, dated 11.02.2021 lodged under Sections 148, 149, 307, 354, 427, 436 and 506 of the Indian Penal Code, 1860, Section 25, 54 and 59 of the Arms Act, 1959 and Section 3(1)(s), 3(1)(w), 3(2)(iii), 3(2)(iv), 3(2)(va) of the SC and ST (Prevention of Atrocities) Act, 1989 (Amendment, 2015) (Section 323, 452, 120-B of the IPC, 1860 and 3(2) V of the SC and ST Act, 1989 added later on) registered at Police Station Sector 32-33, Karnal, District Karnal, Haryana.

On being put to notice, learned State counsel on instructions from Inspector Jitender Singh, while opposing the prayer of learned counsel for the petitioner has apprised the Court that it had come during the investigation that the petitioner had accompanied the other co-accused on his motor cycle to the place of occurrence when arson was committed by the co-accused in the house of the complainant and 5 others.

Learned State counsel submits that the case of the petitioner is distinguishable from that of that co-accused Ashu @ Aman who has been extended the concession of interim bail. He has submitted that co-accused Ashu @ Aman was nominated as an accused with the aid of Section 120-B of the Indian Penal Code, 1860 whereas that was not case of the present petitioner who had in fact been an active participant in the crime in question.

Heard.

In the circumstances and in the wake of allegations leveled against the petitioner in the FIR in question, this Court does not deem it a fit case to extend the concession of anticipatory bail to the petitioner.

Petition stands dismissed.

August 4, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

<i>Whether speaking / reasoned</i>	:	<i>Yes /No.</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>