

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH****(I) CRM-M-14696-2020 (O&M)**

Amandeep Nehra @ Bachhi ...Petitioner

Versus

State of UT Chandigarh ...Respondent

**(II) CRM-M-36797-2020 (O&M)**

Sushil Kumar ...Petitioner

Versus

State of UT Chandigarh ...Respondent

**Date of Decision: 17.03.2022****CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**Present: Mr.Birender Singh Rana, Senior Advocate, with  
Mr. Berjeshwar Singh Jaswal, Advocate, for the petitioner  
in CRM-M-14696-2020.Mr. D.P.S.Bajwa, Advocate, for the petitioner  
in CRM-M-36797-2020.

Mr. Abhinav Gupta, APP, UT, Chandigarh.

*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. This order shall dispose of aforesaid two petitions filed on behalf of Amandeep Nehra @ Bachhi and Sushil Kumar, seeking grant of regular bail in respect of a case registered against them vide FIR No.20 dated 06.03.2019 at Police Station Sector – 49, Chandigarh, under Sections 147/148/149/452/302/307/120-B IPC and Sections 25/27/54 of the Arms Act.

2. The FIR in question was lodged at the instance of Pankaj, wherein it is alleged that he is residing in Sector – 49, Chandigarh on rent alongwith his friends, namely Lokesh, Meghal and Sidhant. He stated that another of his friend, namely Vishal Chillar had come to Chandigarh from District Rewari for the purpose of appearing in examination. Three more boys, namely Neeraj Rana, Amandeep Nehra @ Bachhi as well as another friend from Hisar had also come. Vishal Chillar had already been selected for appointment in Haryana Police and on account of which he was hosting a party. The complainant stated that since it was Tuesday, therefore, he, Meghal, Sidhant and Akshay were not consuming any drinks, whereas Vishal Chillar, Neeraj Rana, Amandeep Nehra and Ashish were having drinks. After the party was over, while the complainant alongwith Meghal, Sidhant and Akshay were sleeping in one room, Vishal Chillar, Ashish, Neeraj Rana, Amandeep Nehra and their friend were sleeping in another room. The complainant stated that he had bolted the main door. However, at about 7:00 AM, 4 boys entered his room out of whom one was Satnam, who was carrying a stick. Another of those boys, who was having a sharp edged weapon, inflicted a blow with the same on the left thigh of the complainant, whereas two of the boys gave blows to Meghal and Akshay with the help of rods. It is further alleged that Sudeep, Rahul Manda and Ramdeep and another boy entered the second room where Vishal Chillar, Ashish, Neeraj Rana and Amandeep Nehra etc. were sleeping. Sudeep and Rahul Manda were carrying pistols. Ramdeep was carrying a sword and

their accomplice was carrying a rod. It is alleged that while Sudeep fired with his pistol at Vishal Chillar, Ramdeep and others inflicted sword and rod blows to Ashish as a result of which Vishal Chillar and Ashish suffered multiple injuries. Vishal Chillar succumbed to his injuries. The injuries inflicted to Ashish and Vishal Chillar were narrated to the complainant by Ashish.

3. Learned senior counsel appearing on behalf of petitioner – Amandeep Nehra has submitted that the petitioner was having cordial relations with the complainant party and as such, he was invited to participate in the party hosted by Vishal Chillar (deceased). Learned senior counsel has further submitted that no role whatsoever is attributed to him in the FIR and that he is not amongst the 4 persons, who had entered into the premises where the complainant and others were sleeping.
4. Parallely, learned counsel representing petitioner – Sushil Kumar has submitted that he is nowhere named in the FIR and has subsequently been roped in the case on the premises that the name of ‘Satnam’ was incorrectly stated by the complainant in the FIR and that the correct name was ‘Sushil’ not ‘Satnam’. Learned counsel has further submitted that in any case even if the allegations as leveled in the FIR are taken to be correct, it is co-accused Sudeep, who had fired with a pistol leading to death of Vishal Chillar and that no specific injury is attributed to the petitioner, who is alleged to be carrying a stick.
5. Lastly, it has been submitted on behalf of both the petitioners that they had earlier been granted interim bail on two occasions and

had surrendered back in jail in time and that there is nothing to suggest that they had ever misused the concession of interim bail.

6. On the other hand, learned State counsel while opposing both the petitions has submitted that petitioner – Amandeep, who was hand in glove, had connived and conspired with the other accused and that it is Amandeep, who had stealthily left the flat leaving the main gate open so as to facilitate the entry of all the 4 assailants, who committed murder of Vishal Chillar and inflicted injuries to other persons and that as such, his complicity is clearly evident. Learned State counsel has further submitted that since petitioner – Sushil Kumar was amongst the 4 assailants, who had entered the premises i.e. place of occurrence, alongwith co-accused and was carrying a stick, no case for grant of bail is made out. Learned State counsel has, however, informed that both the petitioners have been behind bars since the last more than 2 years & 10 months and that as on date only 8 PWs out of cited 34 PWs have been examined. It has also been informed that none of the petitioners is involved in any other case.
7. I have considered rival submissions addressed before this Court.
8. While the prosecution does allege involvement of both the petitioners in the incident, but it is not in dispute that none of the petitioners is stated to have fired at the deceased or had caused any fatal injury. In fact, it is only petitioner – Sushil, who is stated to be present and armed with a stick. Conclusion of trial is likely to consume time as only 8 PWs out of cited 34 PWs have been examined till date. Both the petitioners have been behind bars for

a substantial period of 2 years & 10 months and are not stated to be involved in any other case. There is nothing to suggest that the petitioners, if granted bail, will misuse the concession. In these circumstances, further detention of the petitioners will not serve any useful purpose. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. A photocopy of this order be placed on the connected file.

**(GURVINDER SINGH GILL)**  
**JUDGE**

**17.03.2022**

Vimal

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