

In the High Court for the States of Punjab and Haryana  
At Chandigarh

CRM-M-36560-2024 (O&M)  
Date of Decision:-14.8.2024

Sahir

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.K. Garg Narwana, Senior Advocate with  
Mr. Vishal Garg Narwana, Advocate,  
Mr. Nitin Sachdeva, Advocate, and  
Mr. Mukul Ahuja, Advocate for the petitioner.

Mr. Vishavjit Singh Virk, DAG, Punjab,  
assisted by ASI Gurdeep Singh.

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| FIR No. | Dated     | Police Station                | Section/s                                                                                                          |
|---------|-----------|-------------------------------|--------------------------------------------------------------------------------------------------------------------|
| 146     | 10.7.2023 | Kharar, District<br>SAS Nagar | 341, 323, 148, 149 of Indian<br>Penal Code, wherein offence<br>under Sections 307 & 325 IPC<br>were added later on |

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of anticipatory bail in respect of aforementioned FIR.
2. The FIR was lodged at the instance of Vikramjit Singh @ Vicky, wherein it is alleged that on 10.7.2023, he alongwith his friend Ajay were going in a *Scorpio* vehicle driven by his friend Ajay. When their vehicle was between Kharar and Santemajra, then two vehicles were going in front of them and his friend Ajay Kumar, who was driving the vehicle in which complainant was



sitting, blew horn and overtook the said two vehicles. Shortly thereafter, when they turned their car towards their friend's house Amandeep Singh Sandhu inside a society, the two vehicles which they had overtaken surrounded their vehicle. It is alleged that 4-5 persons came out of one of the vehicle and started beating the complainant. The said persons stated that the complainant's vehicle had splashed water on them. When Ajay Kumar tried to rescue the complainant, then 3-4 person came out of the second vehicle and gave beatings to complainant's friend. When they raised alarm, then some persons residing in the society were attracted at the spot. The accused sat in both the vehicles i.e. *Baleno* vehicle bearing registration No.UP-25-CU-5064 and *Swift* vehicle bearing registration No.HR-90-B-3585 and driver of the vehicle i.e. *Baleno* vehicle accelerated his vehicle and hit against the complainant and dragged him to a long distance as a result of which the complainant fell down and had sustained several injuries. It is alleged that the assailants ultimately fled away from the spot in *Baleno* vehicle while leaving the *Swift* vehicle at the spot.

3. Mr. Lakhwinder Singh Lakhanpal, Advocate has put in appearance on behalf of the complainant and has filed Power of Attorney, which is taken on record.
4. Short reply by way of affidavit of Shri Karan Singh Sandhu, PPS, Deputy Superintendent of Police, Kharar-I, District S.A.S. Nagar (Mohali) has been filed by learned State counsel, which is taken on record.
5. Learned counsel for the petitioner submitted that that the petitioner nowhere named in the FIR and came to be nominated during the course of questioning of one of the co-accused Abhi Malhotra during the course of investigation. Learned counsel submits that it is the case of the police itself that *Baleno*



vehicle bearing registration No.UP-25-CU-5064 was being driven by co-accused Sushil and the petitioner is simply stated to be sitting in the said vehicle, whereas the other vehicle i.e. *Swift* vehicle bearing registration No.HR-90-B-3585 is stated to be driven by Abhey Shukla. It has been submitted that, under these circumstances, the petitioner cannot be said to be instrumental in hitting the *Baleno* vehicle against the injured or dragging him on the road with the said vehicle and that at best it is the driver of the said vehicle, who can be held liable. Learned counsel submits that at this stage there is nothing to show that there was any deep rooted conspiracy amongst all the accused so as to hold the petitioner liable vicariously.

6. Opposing the petition, learned State counsel assisted by learned counsel for the complainant submitted that having regard to the fact that all the accused had together surrounded the complainant and his friend Ajay and had inflicted injuries, sharing of the common object is clearly evident and the complicity of the petitioner can be clearly made out.
7. Learned counsel representing the complainant further submitted that there is CCTV footage available in respect of CCTV cameras installed at a building situated nearby, wherein the entire occurrence has been captured and which clearly shows that it is a case of intentional assault on the injured by running over the car upon the injured.
8. This Court has considered rival submissions addressed before this Court.
9. The petitioner is not named in the FIR, but is stated to have been nominated subsequently by one Abhi Malhotra. In any case, it is not the case of the prosecution that the offending vehicle was being driven by the petitioner. Rather the offending vehicle i.e. *Baleno* vehicle bearing registration No.UP-



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25-CU-5064 is alleged to be driven by co-accused Sushil. At this stage it cannot be presumed that each of the accused had a pre-meditated mind to cause injuries to complainant who admittedly was not known to accused previously. Under these circumstances, the instant petition merits acceptance and is hereby accepted and the petitioner, in the event of his arrest, is ordered to be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

14.8.2024

Pankaj

( Gurvinder Singh Gill )  
Judge

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|----------------------------|----------|
| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |