



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

CRM-M No.46683 of 2024

Date of decision: 15th October, 2024

Rohit Chawla @ Mota

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Mandeep Kaushik, Advocate for the petitioner.

Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of BNSS of 2023 in case FIR No.219 dated 10.07.2024 under Sections 307, 115(2), 351(2), 61(2), 3(5) of BNS, 2023 registered at Police Station Division No.7, District Ludhiana.

2. Learned counsel for the petitioner has submitted that the FIR in question, annexed as Annexure P-1, was lodged against three unidentified persons. These persons, whose faces were masked, allegedly arrived at the house of the complainant and assaulted her with a knife and some other weapons. After restraining the complainant, these persons proceeded to steal gold ornaments, other valuables and a sum of cash from the house of the complainant. It has been further contended by the learned counsel that the petitioner has no previous criminal antecedents and has been implicated in the instant case solely

on the basis of a disclosure statement allegedly suffered by co-accused, Harwinder Singh. It has also been submitted that the complainant, at the very outset, had raised suspicion only regarding the involvement of Harwinder Singh, while filing the FIR in question. It has been emphasized by the learned counsel for the petitioner that the evidentiary value of the disclosure statement made by the co-accused is of a weak nature and cannot be relied upon much less to substantiate the involvement of the petitioner in the crime in question. Additionally, it has been asserted that the petitioner is willing to join investigation and fully cooperate with the Investigating Agency and hence, he be extended the concession of anticipatory bail as his custodial interrogation in the above circumstances, would not be required.

3. On being put to notice, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. He has also filed status report by way of an affidavit of Sumit Sood, PPS, ACP (East), Ludhiana today in the Court, which is taken on record subject to all just exceptions.

4. Learned State counsel, on instructions, has asserted that the petitioner was not only actively involved in the commission of the crime but was, in fact, the master-mind behind the entire occurrence in question. Attention of this Court has been drawn by the learned State counsel to the status report filed today and it has been submitted that although the petitioner was not named in the FIR, however, during the interrogation of co-accused Harwinder Singh, the name and role of the petitioner surfaced. Furthermore, another co-accused, Paramjit Singh @

Rinku, who was arrested on 17.08.2024, also revealed that the petitioner was at the scene of crime and had distributed ₹28,000/- each to him and co-accused Rajan Dua. Out of this amount, ₹27,000/- was recovered from accused Paramjit Singh by the police. It has also been asserted by the learned State counsel that in addition, there are specific allegations against the petitioner of stealing valuables and threatening the complainant with dire consequences. Consequently, a prayer has been made for dismissal of the instant petition as the custodial interrogation of the petitioner is required in the instant case.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Upon a careful examination of the material on record including the reply filed by the learned State counsel, it is prima facie evident that the petitioner along with co-accused Paramjit Singh @ Rinku (now arrested), Rajan Dua and other accused (who are yet to be apprehended), was actively involved in the crime in question as a principal offender. Specific and serious allegations have been made against the petitioner of not only robbing an amount of ₹2,80,000/-, but also stealing valuables from the house of the complainant after threatening her with dire consequences. Furthermore, during the commission of the crime, the complainant sustained injuries, and this is prima facie corroborated by the medical evidence.

7. As per the learned State counsel, the petitioner has been evading arrest and his custodial interrogation is also required in view of

the fact that certain other accused, who also participated in the crime in question, are still at large.

8. Given the gravity of the allegations, no ground is made out to extend the extraordinary concession of anticipatory bail to the petitioner. The petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

October 15, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No