



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47965-2024
DECIDED ON: 24.09.2024

RAHUL KUMAR ALIAS RAHUL CHAWLA
.....PETITIONER

VERSUS

U.T. CHD.
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ferry Sofat, Advocate
for the petitioner.

Mr. Manish Bansal, P.P., U.T., Chandigarh with
Mr. Shaurya Nagpal, Advocate
for the respondent.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.205, dated 05.12.2023, under Sections 341, 323, 325, 147, 148, 149, 506 IPC and Sections 25, 54, 59 of Arms Act and later on added 302 and 120-B IPC, registered at Police Station Sector 11 (West), Chandigarh.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Stated that I am resident of above mentioned address and is doing private job and on last night dated 3/4/12/2023 morning at around 1:30 AM on my motorcycle bearing No. CH01BV498 Make Splendor color silver was going towards my jhuggi Sec-25,

Chandigarh on wrong side through university, then at sudden one black coloured vehicle after hitting me fallen me down, at behind of black coloured car, there was also one silver coloured car, which stopped behind that car, from both the cars some boys came out, all were holding wooden rods and iron garari (which falls in front of rod). Among these boys Dharmender of Naya Gaon, Ajay @ Kalu Sec-25 Chd and Spoty of Dhanas, Sabu of Sec-25 Chd and other boys were along with them, whom I can identify on coming in front of me. Dharminder on my standing hit me with the wooden rod that he was holding on my left leg and Ajay @ Kalu hit me with rod on my right leg and after getting injury I got fallen down and Sabu hit me with rod on my right arm and spoty hit again and again on my left arm and the boys came along-with them hit me with rods and iron garari and hit me with legs/fist blow, due to which I sustained serious injuries on my both legs and arms and I raised hue and cry, despite that they kept on beating me, while going Ajay @ Kalu and his other fellows gave me threat to eliminate me and left the spot on their respective vehicles. Dharminder, Spoty, Ajay @ Kalu, Sabu and his other friends along with other friends gave me injuries by giving me beating with wooden rod, rods and iron garari, strict legal action be taken against them, among them one boy was also carrying pistol with him, whom I can identify on coming present before me.”

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner was nominated as an accused in the instant FIR on the basis of statement made by the brother of the deceased under Section 161 Cr.P.C., who is

alleged to be an eye-witness to the occurrence. Apart from above, there is no other incriminating material with the investigating agency to connect the petitioner with the alleged offence, as has been averred by learned counsel for the petitioner. He further contends that the co-accused namely Sandeep Kumar and Rohil alias Gugud have been granted the concession of anticipatory bail by a Coordinate Bench of this Court vide orders dated 30.04.2024 (Annexure P-3) and 22.08.2024 (Annexure P-4) passed in CRM-M-20481-2024 and CRM-M-37595-2024 respectively.

On behalf of the State

Learned State Counsel appearing on advance notice, does not controvert that apart from the statement made by brother of the deceased, there is no other incriminating evidence against the present petitioner.

4. Analysis

Be that as it may, considering the fact that the petitioner was nominated as an accused only on the statement made by brother of the deceased under Section 161 Cr.P.C.; co-accused namely Sandeep Kumar and Rohil alias Gugud have been granted the concession of anticipatory bail by a Coordinate Bench of this Court vide orders dated 30.04.2024 (Annexure P-3) and 22.08.2024 (Annexure P-4) passed in CRM-M-20481-2024 and CRM-M-37595-2024 respectively in addition to the fact that custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from him.

5. Decision

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of 10 days from today, on furnishing of

personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of 10 days, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

24.09.2024

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No