

CRM-M-48739-2024

1

292

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48739-2024

Date of Decision : 06.11.2024

Sandeep Kumar @ Sandy

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Loveleen Nanda, Advocate
for the petitioner.

Mr. R.S. Thind, DAG Punjab

Mr. Amit Kumar, Advocate
for the complainant

KIRTI SINGH, J.(Oral)

1. Apprehending arrest in FIR No.0189 dated 13.08.2024, under Sections 109, 115(2), 126(2), 324(4), 351(3), 191(3), 190 of BNS Act, 2023 and Sections 25 and 27 of Arms Act, 1959 registered at Police Station Balongi, District SAS Nagar, Mohali, the petitioner has preferred this petition under Section 482 of BNSS for grant of anticipatory bail.

2. The above-mentioned FIR was got registered on the basis of complaint made by Amit @ Daddu. The contents of the FIR are reproduced herein below :-

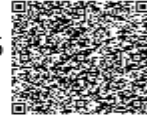
“Copy of Statement, Statement Amit son of Ramesh Kumar resident of House no.6766-C, Sector 56 Chandigarh age about 21 years Mobile No.9569132026, Stated that I am resident of above noted address and doing private job. On dated 06.08.2024 I was going on my car number HR-24-H-0397 Marka Accent colour silver by driving



CRM-M-48739-2024

2

after dropping my Aunt's (Massi's) son Akash to his house from Village Jhampur to Jujhar Nagar by new constructed road to his house sector 56, Chandigarh. As on that day there was raining, due to the same I was driving my car slowly. When I reached near Balmik Colony Village Bar Majra just before Dara studio then on the next turn where new road ends then the time will be about 7.30/8.00 PM that from front side of my car one Fortuner car came from wrong side, driver of the same brought the Fortuner car in front of my car and hit the same. Simultaneously, One Thar car of black colour came from Jujhar Nagar side and driver of the Thar car hit me from back side and out surrounded me. From both the cars 10/12 boys came out and among them Sandeep Kumar @ Sandy, Sonu Topy brother of Sandy and Ram resident of Jujhar Nagar and Chandu, Tota, Mani Jatt and Rahul Goel and remaining some unknown person were there I can identify them on their presence in front of me. the Sandeep Kumar sandy was having pistol in his hand and one Garari (Toothed wheel or cogwheel) and remaining were having in Slugger, Dandas and Iron rods in their hands. Sandy immediately after reaching there pulled me from my car by placing his pistol on my ear and remaining boys broken my car with their weapons hold in their hands and by pelting stone and broken the glasses of my car. I opposed them then Chandu with the intention to kill me attacked ½ times upon my head with the Garari (Toothed when or cogwheel) hold in his hand then I fell down then remaining boys beaten me with the Sluggers, Wooden Dandas and Iron rods. On that, by seeing my beating my friend Aashu son of Jeetu resident of Barmajra colony came there whose tried to save my then the aforesaid person also beaten Aashu too. As the aforesaid person tried to take me away by their car as enough bleeding was from my head then aforesaid persons taken me out from the car and dragged me down and snatched gold chain worn in my neck and when going from there drive their car on me and I unconscious. As, aforesaid persons by having impression that I am died ran away from the spot through their cars alongwith their



CRM-M-48739-2024

3

weapons. As any pedestrian picked me and got me admitted in Civil Hospital Phase 6, Mohali where my family members reached. As, doctors by seeing my condition very serious referred me to Govt Hospital Sector 32 Chandigarh. My family members by picking me through Ambulance got me admitted in Government Hospital 32 Chandigarh. I was discharged from there after treatment on 11.08.2024. The motive behind this attack is that before some time ago some dispute was arisen between the family of Sandeep Kumar @sandy and one Anju Sarohi and the aforesaid persons were saying that aforesaid person that you help Anju Sarohi, we teach lesson to you. Due to the aforesaid reason the said persons attacked upon me to kill me. Legal action be taken on the aforesaid persons. I have got recorded my statement in the presence of my brother Sagar at my house.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. He further submits that the petitioner was no present at the place of alleged incident and there was previous litigation between the complainant and family of the petitioner.

4. Per contra, learned State counsel submits that during the course of investigation, the Call Detail Records (CDR) and tower location data of the other accused including the petitioner were obtained and examined. According to the details, the tower location of the petitioner was found to be at the scene of occurrence of the present case. He further submits that the petitioner along with his co- accused brutally assaulted the complainant with the intention to kill him. The petitioner was armed with a gun, while his co-accused carried weapons including a slugger, wooden sticks, iron rods and gandasis, which were used to inflict serious injuries on the complainant, causing severe bleeding from his head.

He further submits that the petitioner and his co-accused also ran their car over the

**CRM-M-48739-2024****4**

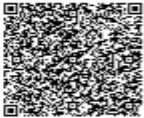
complainant with the intention of killing him. As per official record, apart from the present FIR, the petitioner is also involved in the following FIRs:

(i) FIR No. 25 dated 18.04.20217 under Sections 26, 27 Arms Act, PS Kotwali Nabha, District Patiala.

(ii) FIR No. 147 dated 09.07.2024 under Sections 190, 191(2), 191(3), 351(A), 115(2) BNS, PS Sector 36, Chandigarh.

5. Heard the rival submissions made by learned counsel for the parties and perused the record.

6. The evidence against the petitioner is that during the course of the investigation, co-accused Manveer Singh @ Manni Jatt, Sonu and Raj Kumar @ Sonu Topi (the petitioner's real brother) admitted and disclosed in their respective statements that they in connivance with the petitioner and other co-accused persons attacked the complainant with their respective weapons and assaulted him with the intention to kill. They further disclosed that they ran their car over the complainant in retaliation for an earlier incident in which the complainant party had assaulted Raj Kumar @ Sonu Topi. Moreover, Call Detail Records (CDR) and tower location data for the petitioner and the other co-accused were obtained and examined, which placed the petitioner at the scene of the incident of the present case. Furthermore, co-accused Raj Kumar @ Sonu Topi, the petitioner's real brother, facilitated the recovery of a black Fortuner car, registration No. CH-01-AA-9855, which was used in the commission of the crime. He also led to the recovery of the weapons used during the attack, including one gandasi (a sharp farming tool) welded with an iron rod, one iron rod, one aluminium slugger and one wooden stick. The petitioner was armed with a gun, while his co-accused carried weapons, including a slugger, wooden sticks, iron rods and gandasi, which



CRM-M-48739-2024

5

were used to inflict serious injuries on the complainant, causing severe bleeding from his head. Furthermore, the petitioner and his co-accused also ran their car over the complainant with the intention of killing him. The allegations levelled against the petitioner and other co-accused persons are serious in nature and the petitioner is absconding since, the date of registration of the present case. Accordingly, to unearth the true dimension of the alleged crime, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner at this stage.

7. The petition is dismissed.

06.11.2024
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(KIRTI SINGH)
JUDGE

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