



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49195-2024

DECIDED ON: 01.10.2024

SACHIN SUKLA ALIAS SACHIN KUMARPETITIONER

VERSUS

U.T. CHANDIGARH

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vivek Kathuria, Advocate for the petitioner.

Mr. Manish Bansal, P.P., U.T., Chandigarh.

SANDEEP MOUDGIL, J (ORAL)1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 of 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 Sections 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 are as under:-

“Statement of Ajay son of Rampal, resident of House/Jhuggi No.1882, Sector 25, Chandigarh, aged 21 years. Stated that I am residing at the above stated address alongwith my family and I am doing private job. Yesterday i.e. in the intervening night of 3/4.12.2023 at about 1:30 a.m. while driving my silver colour motor cycle No.CH-01-BV-3498, Make Splendor, I was heading towards University while driving my motorcycle on

wrong side. Suddenly one black colour vehicle came from my front and dashed against my motorcycle with the result that I fell down on the road. The said black colour vehicle was followed by one Silver colour vehicle which also stopped at the back of said black colour vehicle. Out of both vehicles some boys alighted while carrying rods, dandas, iron garari (which is affixed on front of iron rod). Besides some unknown boys, Dharminder of Nayagaon, Ajay @ Kallu of Sector. 25, Chandigarh, Sapati of Dhanas and Sabu of Sector 25, Chandigarh were there, whom I can identify if brought before me. Dharminder gave several danda blows on my left leg as soon as I stood up. Ajay @ Kallu gave danda blows on my right leg due to which I fell down after suffering injuries. Sabu gave danda blows on my right arm and Sapati also caused injuries on my arm. The other boys accompanying them also gave several blows to me with dandas, iron garari and legs and fist blows due to which I suffered injuries on my both arms and legs. Although I raised hue and cry but they continued to beat me. While leaving Ajay @ Kallu and his accomplices threatened me of dire consequences and fled away in their vehicles. As Dharminder, Sapati, Ajay @ Kallu, Sabu and their accomplices have caused injuries to me with dandas, rod and iron garari, therefore, strict legal action may be taken against them. Out of those boys, one boy was carrying pistol, whom I can identify if brought before me. I have got my statement recorded, heard it and the same is correct. Sd/- RTI Ajay.”

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner

has been nominated as an accused in the instant FIR only on the basis of

statement made by the brother of the deceased under Section 161 Cr.P.C., who is alleged to be the 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, Rohil alias Gugud and Rahul Kumar alias Rahul Chawla have already been granted the concession of anticipatory bail by this Court vide orders dated 30.04.2024, 22.08.2024 and 24.09.2024 (Annexure P-4) passed in CRM-M-20481-2024, CRM-M-37595-2024 and CRM-M-47965-2024 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, Rohil alias Gugud and Rahul Kumar alias Rahul Chawla have already been granted the concession of anticipatory bail by this Court vide orders dated 30.04.2024, 22.08.2024 and 24.09.2024 (Annexure P-4) passed in CRM-M-20481-2024, CRM-M-37595-2024 and CRM-M-47965-2024 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.

01.10.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No