



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

104

CRM-M-51680-2024

DATE OF DECISION: 19.10.2024

RAJINDER ALIAS GOLDY

...PETITIONER

Versus

UT OF CHANDIGARH

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vivek Kathuria, Advocate for the petitioner(s).

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

2. Prosecution story, set up in the present case as per the version in the FIR read 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 Sepplendor 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. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case and he was even not named in the FIR. He 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 similarly situated co-accused namely Rahul Kumar alias Rahul Chawla has also been granted the concession of anticipatory bail by this Court vide order dated 24.09.2024 (Annexure P-4).

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.; similarly situated co-accused namely Rahul Kumar alias Rahul Chawla has already been granted concession of anticipatory bail, 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**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the



terms and conditions as envisaged under Section 482(2) of BNSS of 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 one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

19.10.2024
anuradha

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