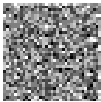


2025.PHHC.029085



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11415-2025
DECIDED ON: 01.03.2025

SANCHIT GANDHI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gauravjit Singh Jagpal, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG Punjab

Mr. Vishal Verma, Advocate for
Mr. Prateek Gupta, Advocate for the complainant.

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.15, dated 12.02.2025, under Sections 406, 420 of IPC, 1860, registered at Police Station Division No.3, District Police Commissionerate (Ludhiana).

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

“Today one complaint PGD No.347705, Complaint No. 347129 dated 10.05.2024 from Neeraj Grover and Bhupinder Malik c/o Malak Chand and Kaushalya Wanti Charitable Trust, Neem Wala Chowk, Ludhiana against Sanchit Gandhi son of Sunil Gandhi, Sunil Gandhi son of Om Parkash

Gandhi resident of H.No.B—11-1281, Neem Wala Chowk Ludhiana U/s 406, 420 IPC has been received in police station by post after investigation by the senior officials for registration of FIR. Contents of same are like this. To Commissioner of Police Ludhiana. Sub: Complaint for registration of FIR against Sunil Gandhi son of Om Parkash Gandhi resident of B-11/1281 Neem Wala Chowk Ludhiana, Mob .9876588428 and against his companions for illegally keeping possession over the property of Charitable Trust, consuming liquor any cigarettes infront of Idols of Godes and Goddess and installing his private cameras in property of Trust and for advancing threats of elimination and further to take action if he has prepared some forged documents in this regard. Sir, it is submitted that complainant is General Secretary of Malak Chand and Kaushalya Wanti Charitable Trust, road Jattanwali, Neem Wala Chowk Ludhiana and he has been authorized to initiate action against accused as per Agenda dated 16.4.2024 (copy of Agenda dated 16.4.2024 is attached). As such complainant submits as uncer. 1. That accused Sunil Kumar is already a Member of above Charitable Trust. 2. That property of above Trust bearing No.B-11-1284, Road Jattanwali, Neem Wala Chowk Ludhiana and same is two storey building. 3. That above accused is doing business of Hosiery. 4. That residence of above accused is situated at the backside of above property of Trust and he enters into the property of Trust from the roof and there is no wall between property of the accused and property of the Trust. 5. That during Covid-19 lockdown in year 2020 above accused requested that he wants to keep his articles in the first floor of the Trust and as soon as market opens he will pick his articles. Being a Member of the Trust and with permission of the Trust, he kept his articles but gradually he started keeping his machines and started running his factory. When after lockdown other members of the Trust got to know about this illegal act of the accused, then Members of the Trust asked him as per Memorandum of Trust, no member can use the property of the Trust for his personal business work and requested him to remove his articles from property of Trust and vacate the building but accused kept on lingering the matter. 6. That it is also pertinent to mention here that in February 2020 before Covid-19, members of the Trust were planning to start stitching center and Computer Center for needy ladies so that objectives of the Trust are fulfilled. Education Center has been started at ground floor and dispensary has also been opened. Religious activities are held from time to time but now accused consumes cigarette and liquor along with his companions in the building. Some time they consume cigarette and liquor infront of Idols and he used abusive language. When they are stopped from doing so, they started quarreling. Not only this

accused forcibly parks his car at ground floor of the Trust where Education Center and dispensary are being run. 7. That when on 4.3.2024 Trust asked accused to vacate the building then accused started abusing members of the Trust and left from there by threatening to face dire consequences. He also said that big Ministers and police officials are well known to him and no action will be taken against him and if want we can try. 8. That on 10.3.2024 when members of the Trust asked accused to vacate the building of the Trust then he threatened the members of the Trust by saying that he will not vacate the building of the Trust. Thereafter in presence of accused agenda was passed vide which his membership was suspended and accused was asked to vacate the premises of Trust. Copy of Agenda is attached. 9. That on 16.4.2024 Trustee of the Trust stopped accused from consuming Cigarette and liquor in property of the Trust and stopped accused to park car in property of Trust and asked him to vacate property of Trust over which accused is in illegal possession. Then accused started abusing the Trustees present there and said that he will not vacate the premises of Trust and also said that he had prepared documents regarding possession of property of Trust and said they will become owner of the property of Trust. Accused is of quarrelsome nature and criminal type persons used to visit him. He also threatened that if anyone tried to remove him from possession or asked for same then he will eliminate them and no body will come to know what had happened. 10. That now accused with intention to illegally take the possession of the property of Trust in complete manner has started keeping articles at the lower floor of the property, whereas accused is aware that at ground floor Yoga Classes are held in Morning and Education Center is being run for poor students. Due to the machines being operated at the first floor by the accused, study of children is also disturbed. Not only this accused has installed his private cameras in the building of Trust whereas he has no authority for the same. As such you are requested to take action against accused for illegal possession, for hurting the religious sentiments, installing cameras in the property of Trust without permission and for advancing threats of elimination and to register FIR against accused persons. I shall be thankful to you. Sd/- complainant Neeraj Grover, Malak Chand and Kaushalya Wanti Charitable Trust, Neem Wala Chowk Ludhiana through all the Trustees. Mob. 8986095097, 98151-94151.”

3. **Contention**

On behalf of the petitioner

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present matter. He further submits that the petitioner has been living in the rented accommodation i.e., on the first floor, comprising a hall, which is the 22property of Malik Chand & Kaushalya Wanti Charitable Trust, since 01.10.2023, and a rent agreement was duly executed to that effect. It is contended that the present FIR has been lodged with the ulterior motive of securing the eviction of the petitioner from the said property. The counsel further undertakes on behalf of the petitioner that he is ready and willing to cooperate with the investigation.

On behalf of the State/complainant

Learned State counsel assisted by learned counsel for the complainant prays for dismissal of the present petition wherein original rent deed is in possession of the petitioner, therefore, custodial interrogation of the petitioner is required to uneven the true story.

4. **Analysis**

Having carefully considered the submissions made above, particularly the fact that the prosecution has not presented any incriminating material linking the petitioner to the alleged commission of the offense, it is noted that any relevant documents will be provided once the petitioner joins the investigation.

In the light of above, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the

investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Relief**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week 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 one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

01.03.2025

Meenu

Whether speaking/reasoned Yes/No

Whether reportable Yes/No