

2025:PHHC:058351



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. **CRM M-19904 of 2025**
Date of Decision: 28.04.2025

Vinod and others ...Petitioners
Versus
State of UT Chandigarh and another ... Respondents

2. **CRM M-19916 of 2025**

Vinod and others ...Petitioners
Versus
State of UT Chandigarh and others ... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Lokesh Vohra, Advocate
for the petitioners (in both the petitions).

Mr. Manish Bansal, P.P. for U.T., Chandigarh and
Mr. Navjit Singh, Advocate
for respondent No.1-State.

N.S.SHEKHAWAT, J. (Oral)

1. This order shall dispose off two petitions, i.e., **CRM M-19904-2025** titled as **“Vinod and others Vs. State of U.T. Chandigarh and another”** and **CRM M-19916 of 2025** titled as **“Vinod and others Vs. State of U.T. Chandigarh and others”**, whereby, the petitioners have prayed for cancellation of regular bail granted to the private respondents in case arising out of FIR No. 0008 dated 27.01.2025 under Sections 118(1), 140(1), 190, 191(2), 191(3) and 351(2) of BNS registered at Police Station IT Park, Chandigarh.

2. The FIR in the present case was registered on the basis of the statement made by Vinod son of Sompal and the same has been reproduced below:-

“To The SHO P.S., I.T. Park UT CHD. R/Sir I Vinod S/o Sompal R/o 685 New Indira Colony, Mani Majra Chandigarh. I work as a lemon seller at grain market Sec-26. On 26.01.2025 at about 9:00 PM I alongwith my associate working in grain market Sonu Manimajra were returning to home. When we reached near Khera Mandir, NIC, a white colour Scorpio car coming from front being driven in high speed on seeing which, Sonu by putting his hand on the vehicle, asked the driver to drive carefully. At the same time, the driver of the car who alighted from car was Pawan, son of Mangal, R/o 148, NIC MM CHD. On seeing him, Sonu fled away from the spot. Pawan put me in the Scorpio car. The other occupant of the Scorpio vehicle was Rahul @ Pakoda. They brought me towards Mani Majra. They gave beatings to me and Rahul @ Pakoda had shown pistol to me. They asked me to show the house of Sonu else they will kill me. When I did not reveal anything to them, Pawan asked me to call anyone if you want and turned the vehicle towards his home. Pawan also called his friends. When we reached near house No. 148, NIC Mani Majra, then the associates of Pawan Nanu, Suraj, Atul alongwith some other persons armed with dandas, swords and slagger etc were found present. Meanwhile my brother Dhaniram, Sanjay, Tejbir and my associates at Garin market namely Mahavir and Ajay also came there. As soon as we started talking to them, Pawan and

his friends attacked us with sticks, sword slagger etc in which my brother, Dhani Ram, Sanjay Ajay, Tejbir and Mahavir received injuries and I also received internal injuries, of which I do not wish to get treatment. Then a friend of Pawan also showed pistol to us and so we fled away from the spot and somebody called the police and we went to GMSH Sector 16 Chandigarh for getting the medical treatment and Tejbir was taken to GMSH Sector Chandigarh in PCR van. I can identify Pawan and other assailants. All these have deliberately hurt us by attacking us and so appropriate action may be taken against the culprits. SD VINOD PH NO 9988701680 dated 27/01/2025 DOB 01/01/2000, 23 years, attested by ASI Ashok Kumar”.

3. Learned counsel for the petitioners contends that the involvement of the respondents in the incident was established and sufficient evidence had been collected against them. He further contends that while granting the regular bail to the respondents, the trial Court had failed to appreciate that it was not an offence against the petitioners, rather it was an offence against the society at large. Further, the respondents were arrested on 30.01.2025, whereas they were granted the concession of bail on 27.02.2025 in such a serious offence. Learned counsel has placed reliance on the photographs (Annexure P-3) to contend that all the accused in the present case were armed with lethal weapons like sticks, slaggers and pistols etc., and had caused serious injuries on the person of the complainant and other victims. Still bail has been wrongly granted by the trial Court.

Further, there was sufficient evidence to show the involvement of the private respondents and their active role in the entire incident.

4. I have heard learned counsel for the petitioners and perused the record.

5. From a bare perusal of the impugned order, it is apparent that the Additional Sessions Judge, while granting the concession of bail to the respondents has passed a well reasoned and speaking order. The Additional Sessions Judge has rightly observed that all the injuries suffered by the injured in the present case had only been declared as grievous in nature and no injury has been declared to be dangerous to life in the present case. Even, it was alleged that the pistol was used in the commission of crime, but no pistol had been recovered from the private respondents. Moreover, the injured had already been discharged in the present case, immediately after the occurrence and the respondents had suffered almost one month's custody. Still further, the petitioners could not prove before this Court that the private respondents had ever threatened them or there were chances of fleeing from the process of the Court.

6. The Hon'ble Supreme Court in the matter of ***M. Dharmarajam and others Vs. State of Telangana and another, 2020 (1) RCR CrI. 540*** has held as under:

“The factors to be considered while granting bail have been held by this Court to be the gravity of the crime, the

character of the evidence, position and status of the accused with reference to the victim and witnesses, the likelihood of the accused fleeing from justice and repeating the offence, the possibility of his tampering with the evidence and witnesses, and obstructing the course of justice etc. Each criminal case presents its own peculiar factual scenario and, therefore, certain grounds peculiar to a particular case may have to be taken into account by the Court. The court has to only opine as to whether there is prima facie case against the accused. For the purpose of bail, the Court must not undertake meticulous examination of the evidence collected by the police and comment on the same.”

7. In **Raghubir Singh v. State of Bihar** this Court held that bail can be cancelled where (i) the accused misuses his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation, (iii) attempts to tamper with evidence or witnesses, (iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation, (v) there is likelihood of his fleeing to another country, (vi) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency, (vii) attempts to place himself beyond the reach of his surety, etc. The above grounds are illustrative and not exhaustive. It must also be remembered that rejection of bail stands on one footing but cancellation of bail is a harsh order because it interferes with the liberty of the individual and hence it must not be lightly resorted to.

8. It is trite law that cancellation of bail can be done in cases where the order granting bail suffers from serious

infirmities resulting in miscarriage of justice. If the court granting bail ignores relevant material indicating prima facie involvement of the accused or takes into account irrelevant material, which has no relevance to the question of grant of bail to the accused, the High Court or the Sessions Court would be justified in cancelling the bail.”

7. The private respondents in the present case had remained in custody for almost one month and the injured already stood discharged. Still further, the weapons of offence also stood recovered from the private respondents. Thus, there is no material on record to show that the private respondents are in a position to tamper with the prosecution evidence or may abscond from the process of Court. Thus, finding no merits, the present petitions are ordered to be dismissed.

28.04.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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