

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21596-2025
Reserved on: 10.07.2025
Pronounced on: 31.07.2025

Daman @ Ankush Gharu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Chandan Singh Rana, Advocate
Mr. Vikrant, Advocate and
Ms. Pooja, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, D.A.G., Punjab.

Mr. Jaiveer Singh, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
58	21.06.2023	Division No.4, District Ludhiana	307, 148, 149, 506 IPC and 25, 54, 59 of Arms Act (Section 326 IPC added later on)

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 9 of the bail petition and status report, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offences	Police Station
1.	192	13.09.2021	25 of Arms Act	Jamalpur, Ludhiana

3. The facts and allegations are taken from the translated version of FIR, which reads as follows:

“I hereby state that I am resident of above mentioned address and I do job at Reetu Designer Store, College Road, Ludhiana. My parental house is in Street No. 2, Basant Nagar, Shivpuri, Ludhiana and we are six brothers-sisters. Abhinav Sharma is my maternal aunt's (masi) son who is residing with my mother-father since

childhood and my mother-father looks after him. Abhinav Sharma used to talk with one girl of locality namely Jhanvi. On dt. 17.06.2023 Jhanvi alongwith her mother was going in e rickshaw and one youth namely Vinay Bhandari forcibly got stopped the e-rickshaw by stopping his motorcycle in front of e-rickshaw inside the locality itself near Gurdwara Sahib and forcibly took the mobile phone of Jhanvi from her. At that time Jhanvi was talking with Abhinav Sharma on her mobile phone and Vinay Bhandari took mobile number of Abhinav Sharma from Jhanvi's mobile phone and since that day he started making phone calls and started giving threats to scare him. Abhinav Sharma had gone to Goa on dt. 18.06.2023. Today phone call of Vinay Bhandari came to Abhinav Sharma that Jhanvi is my friend, you back off, else I shall kill you. Abhinav Sharma said to him that currently I have come at Gos, after coming back I shall talk to you. Whereupon, Vinay Bhandari said that if you do not come back today then I shall kill any member of your family. Today at 2:00 PM at my brother Kapil's instance my brother Munish @ Mani had gone at the shop of respectable person of our locality Raju, whose mother is Councilor of the locality, in Street No. 3, Gandhi Nagar Market, Ludhiana to talk about dispute which is happening with my parental family members. Vinay Bhandari along with his accomplices Gora, Bhola, Ankush, Himanshu, Sahil @ Nanu and other unidentified persons in connivance with each other came at the shop of Raju on motorcycles and Aactiva, entered inside the shop of Raju and attacked my brother Munsih @ Manu with swords with intent to kill him, and thereafter, Vinay Bhandari took out his pistol and fired bullets at my brother Munish @ Manu with intent to kill him and one bullet hit him in abdomen. The persons who were holdings swords in their hands gave blows of straight swords in my brother's head and thus alarm was raised in the street and then Vinay Bhandari alongwith and his accomplices fled away from the spot alongwith their weapons on their vehicles by saying that if anybody tell anything to police then we shall kill him. This whole incident has occurred in front of Councilor's son Raju in his shop. Residents of locality arranged vehicle and admitted my brother at D.M.C. Hospital Ludhiana, where he is under medical treatment. My brother Munish @ Manu is grievously injured and is unfit for statement. I have got typed my statement by speaking in presence of my father, heard, read over, is correct. Necessary legal action be taken against above mentioned persons. Sd/-Reetu. Statement correct, Sd/- Raju."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

"THE EVIDENCE AGAINST THE PETITIONER:

- i) CCTV footage.*
- ii) Recovery of motorcycle No.PB-10-FM-4035 make Hero Splendor colour silver.*
- iii) Recovery of Aactiva No PB10-HA-5664.*
- iv) Recovery of sword.*

THE ROLE OF THE PETITIONER:

- i) The petitioner was a member of the unlawful assembly.*
- ii) The petitioner was armed with a sword.*
- iii) Petitioner gave 02 swords blow from its sharp side on the injured Munish Kumar @ Mannu which hit his head and on the thumb of right hand. Both the injuries were declared grievous in nature.”*

7. Petitioner and the main co-accused left no stone unturned to kill the victim. The injuries attributed to the petitioner is on the vital parts of the body. It was a stroke of luck that the victim survived maybe because of medical intervention. The act is full of extreme perversity and hatred and on this ground alone, petitioner is not entitled to bail.

8. [Cruelty] implies there is something inhuman and barbarous -something more than the mere extinguishment of life.¹ The offense is heinous, and the crime brutal. Cruelty is one of the factors in deciding on bail. A cruel person is more likely to create a lot of insecurity in society. Once the courts form a prima facie opinion that the accused acted with cruelty, then such an accused ordinarily should not be granted bail, and if the courts deem it appropriate to grant, then it must be after specifying the reasons for such an indulgence. In the present case, an analysis of the allegations and evidence collected does not warrant the grant of bail to the accused.

9. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

10. The petitioner's custody of around 02 years cannot be termed prolonged, given the minimum sentence prescribed for the offense, which is 10 years.

11. Regarding the delay in the trial, if the trial does not conclude within two years and six months of the petitioner's custody, and the delay is not attributable to the petitioner, the petitioner may apply for bail before the trial Court. The Court shall not be influenced by the dismissal of bail on merits or by criminal history and shall decide it on changed circumstances and the prolonged trial.

¹ In re Kemmler, 136 U.S. at 436 [Refer: Matthew Lippman, Contemporary criminal law: concepts, cases, and controversies, University of Illinois at Chicago, 51, SAGE, California, USA, fourth edition, 2016].

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12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

31.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.