

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33140-2025 (O&M)

Date of Decision: 15.07.2025

Ankit Kumar

... Petitioner

VS.

State of UT Chandigarh

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. HS Multani, Advocate for
Mr. Vibhor Rana, Advocate for the petitioner

Mr. Manish Bansal, PP, UT Chandigarh

Sandeep Moudgil, J.

Relief claimed

(1). The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.58 dated 10.04.2025 under Sections 125/324(4)/326(f)/326(g)/351(3)/61(2) of BNS registered at Police Station Sector 34, Chandigarh.

Facts

(2). Facts as emerging in the FIR is reproduced as under:-

“Statement by Rohit Rana Sto Sanjeev Kumar, R/o H.No. 1936, Opposite Dev Samaj College, Village-Burail, Sector 45-B, Chandigarh Age 24 years M.No. 8557011936 stated that I live with my family at the above mentioned address and I am a student. On the intervening night of 09/10-04-2025 at about 2:45 AM, I heard some noise on the road outside my house. I got up and went to the terrace and saw that 5 boys were standing near our Thar car No. CH01CV0869, which was parked on the footpath of the park near the wall of Dev Samaj College, and were abusing me by taking my name and threatening to kill me. Meanwhile, one of the boys broke the windows of our Thar car with a stick and those boys poured petrol on our Thar car and set it on fire. And they threatened to kill me and left from there. I ran down to the car and someone called the fire brigade and the fire brigade vehicle came to the spot and extinguished the fire. I know the five boys whose names are

Keerat, Sujal, Sumit, Ashu Ankit, I had a fight with them earlier in October, 2024 and on 03.04.2025 also these boys came to our shop to fight but our shop was closed so they abused us and went away.

Even today the said Keerati Sujal, Sumit, Ashu and Ankit set our car Thar (Black colour) on fire with the intention of causing me harm. Action should be taken against those whom I can recognize if they come in front of me. I have written the statement, I have heard it which is fine. Sd. Rohit Rana DOB 01.10.2000 dated 10.04.2025.”

Submissions of the petitioner

(3). Learned counsel for the petitioner contends that the petitioner has been falsely implicated as the offences drawn in the FIR, except Section 326(g) BNS, are bailable in nature. He submits that even from a bare reading of the allegations in the FIR, no offence under Section 326(g) of BNS is made out since there is no allegation of destruction of any building against the petitioner more particularly, when the petitioner was not even present at the spot at the time of commission of the alleged crime. It is urged that the name of the petitioner has erupted in the instant FIR only because there was an ongoing enmity between him and the complainant.

(4). Learned counsel for the petitioner underscored the fact that co-accused Ashish Thakur @ Ashu has already been extended the benefit of interim bail by this Court, as evident from the order dated 03.06.2025 in CRM-M-31549-2025 (Annexure P3) and as such, he sought to invoke the principle of parity and seeks similar treatment to the petitioner, positing that his case is distinguishable only in its favor, thereby rendering him equally, if not more, deserving of interim bail.

(5). Notice of motion. Mr. Manish Bansal, PP, UT Chandigarh accepts notice on behalf of the respondent.

Stand of the State

(6). Learned PP, UT Chandigarh submit that the petitioner has been implicated for commission of offence punishable under Section 326(g) BNS, which is punishable for imprisonment which can extend upto life. He further submits that the FIR has been lodged by name against the petitioner specifying his role wherein he was involved in setting ablaze a Thar car and in the wake of such serious allegation, the custodial interrogation of the petitioner is very much required.

Analysis

(7). Heard learned counsel for the parties.

(8). After meticulously considering the contentions advanced on behalf of the petitioner and the State counsel, it appears that the FIR specifically names the petitioner and attributes a distinct role to him in the alleged offense. The petitioner has been accused of participating in a mob that set ablaze the complainant's Thar car, thereby rendering him liable for the offense punishable under Section 326(g) of BNS, which carries a potential life sentence. While the presence of CCTV footage may be a matter of evidence, the gravity of the offense and the necessity for custodial interrogation to unravel the petitioner's motives weigh heavily against granting anticipatory bail at this juncture.

(9). The grant of interim bail to a co-accused does not *ipso facto* entitle the petitioner to seek bail as a matter of right. Given the lack of any new development or change in circumstances, the petitioner's second anticipatory bail petition is unsubstantiated. There has been no material change in facts or evidence that would warrant extending the benefit of anticipatory bail to the

petitioner. The circumstances and reasons underlying the grant of interim bail to the co-accused are distinct and fact-specific, rendering them inapplicable to the petitioner's case. Consequently, the petitioner cannot invoke the co-accused's bail order as a changed circumstance to justify his own bail.

(10). Moreover, it is settled proposition of law that power exercisable under Section 482 BNSS, is somewhat extraordinary in character and it is to be exercised in exceptional cases. In State of **Andhra Pradesh vs. Vimal Krishna Kundu**, **AIR 1997 SC 3589**, Apex Court has held that in case of well orchestrated conspiracy, if the accused is equipped with anticipatory bail order before interrogated by police, would greatly harm the investigation and would impede the prospects of unearthing all the ramification involved in the conspiracy. Similarly, in **Ram Govind Upadhyay versus Sudarshan Singh**, **(2002) 3 SCC 598**, it has been observed as under:

“3. Grant of bail though being a discretionary order — but, however, calls for exercise of such a discretion in a judicious manner and not as a matter of course. Order for bail bereft of any cogent reason cannot be sustained. Needless to record, however, that the grant of bail is dependent upon the contextual facts of the matter being dealt with by the court and facts, however, do always vary from case to case. While placement of the accused in the society, though may be considered but that by itself cannot be a guiding factor in the matter of grant of bail and the same should and ought always to be coupled with other circumstances warranting the grant of bail. The nature of the offence is one of the basic considerations for the grant of bail — more heinous is the crime, the greater is the chance of rejection of the bail, though, however, dependent on the factual matrix of the matter.”

(11). In light of the foregoing discussion, this Court finds no merit in granting anticipatory bail to the petitioner and the same is accordingly dismissed.

(12). However, it is made clear that observations made hereinabove shall have no bearing on merits of the case before the trial court.

(13). Ordered accordingly.

15.07.2025
V.Vishal

(Sandeep Moudgil)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No