



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

103

**CRM-M-24952-2025
DECIDED ON: 08.05.2025**

ANKIT KUMAR

.... PETITIONER

VERSUS

UT CHNDIGARH

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. H.S.Mulatni, Advocate
for the petitioner

Mr. Arav Gupta, APP, UT Chandigarh

SANDEEP MOUDGIL, J

1. **RELIEF SOUGHT**

The jurisdiction of this Court under Section 482 B.N.S.S. has been invoked seeking grant of anticipatory bail to the petitioner in case FIR 58, dated 10.04.2025, under Sections 125, 324(4), 326(f), 326(g), 351(3), 61(2) of BNS,2023 registered at Police Station Sector 34, Chandigarh

2. The contents of the FIR read as under:-

“Statement by Rohit Rana S/o 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 Keerat, 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”3.

SUBMISSIONS

ON BEHALF OF THE PETITIONER:

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present FIR due to some old rivalry. He further contends that even as per the CCTV footage, the petitioner is not found present in the alleged spot of occurrence. It is further argued that no specific role has been attributed to the petitioner and only the allegations have been falsely implicated upon him therefore prays for grant of Anticipatory bail.

Notice of Motion

ON BEHALF OF RESPONDENT/ UTCHANDIGARH:

Learned UT counsel who is present in the court accepts notice on behalf of UT Chandigarh and contends at the very outset that the petitioner has been implicated for commission of offence punishable under section 326(g) of

BNS which is punishable for imprisonment which can extend upto life, added with the fact that interrogation of the petitioner is required to know about the modus operandi to commit the offence and for further investigation in the instant FIR.

4. Heard learned counsel for the parties at length.

5. **ANALYSIS AND CONCLUSION**

Be that as it may, after considering the submissions made herein above and on perusal of the assertions made in the petition as well, this court is of the firm view that custodial interrogation of the petitioner is required particularly in view of the fact that serious overt act has been attributed to the petitioner. Further, it is a matter of evidence whether or not in CCTV camera, any such incident has been captured which is for the trial court to consider.

Moreover, it is settled proposition of law that power exercisable under Section 482 BNS, 2023., 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.”

6. In view of the seriousness of the allegations, the custodial interrogation of the petitioner is certainly required. Therefore, I find no merit in the petition and the same is hereby dismissed.

However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the trial Court is free to adjudicate upon the matter in accordance with law.

(SANDEEP MOUDGIL)
JUDGE

08.05.2025

Meenu

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