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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32521-2025
DECIDED ON: 16.06.2025

RISHAB GANDHI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Harlove Singh Rajput, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 BNSS for grant of anticipatory bail to the petitioner in FIR. No. 43 dated 02.05.2025, under Section 332(c), 115, 126(2), 77, 351(2), 296 and 190 BNS, 2023 registered at Police Station Dhakoli, Dist.: SAS Nagar, Punjab.

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

"Copy of statement, "Statement of Anuradha Minhas wife of Mr. Avnish Minhas resident of Flat No. 102, Heritage Apartment Peermuchalla Police Station Dhakauli District S.A.S. Nagar Age about 50 years Mobile number 98882-92103 stated that I am a resident of the above address and I do domestic work. There is an R.W.A. in Heritage Apartment Peermuchalla. In which I am a full-

time Finance Secretary. Yesterday on 01.05.2025 at around 09:00 PM, I was sitting in the flat of Sonika Thakur wife of Mr. Rupesh Gupta resident of Flat No. 104 Heritage Apartment Peermuchalla and were having a conversation, then we heard the sounds of loud noise and abusive language downstairs. Then my husband went to see till the stairs to as to who is talking? After that, my husband returned from the stairs. Then I, my husband Avnish Minhas, Sonika Thakur and Sonika Thakur's husband Rupesh Gupta came to my flat. We were sitting in the flat and talking. It must have been around 09:15 PM when Kunal Kharab, a resident of flat number 202 Heritage Apartment, along with 03 unknown persons, came in front of my flat. Out of the unknown persons, 01 person was wearing a blue T-shirt and 01 person was wearing a blue shirt. Kunal Kharab told them that this is flat number 102 and the flat in front is flat number 104. Then the unknown person in the blue shirt turned on the light outside my flat and rang the bell. Then my husband came to the door. My husband asked what happened. Then that person said that first open the door and then we will talk. Then my husband opened the door and Rishav Gandhi, son of Rajiv Gandhi, resident of flat number 602, Heritage Peermuchalla, along with Sandeep Kharab, resident of flat number 202, Heritage Peermuchalla and 01 unknown person came. When I also came to the door, we were talking when in the meantime 03 unknown persons came. Sandeep Kharab abused us and said that you should beat them up. Then Sandeep Kharab, Kunal Kharab and the person in the blue T-shirt grabbed my husband by the neck and pulled him out of the door and threw him down. When I came out to save my husband, 03 unknown persons including the person in the blue T- shirt entered my flat, who beat up Rupesh Gupta and Sonika Thakur inside my flat and dragged Rupesh Gupta and Sonika Thakur out of my flat and brought them out, who were then beaten up with fist blows then injuries were inflicted with fist blows and kicks on my husband's right elbow, his nose, his left shoulder, left elbow, left knee and left arm. Kunal Kharab grabbed me by the hair and dragged me and an unknown person punched me on the cheek and another

unknown person punched me on the face and kicked me on the back and an unknown person also beat me on my left arm with sharp punches and tore my clothes, put hands at wrong places of mine and Sonika Thakur and tore Rupesh Gupta's T-shirt, during this fight the gold chain around my husband Avnis Minhas' neck was also lost. Then we all screamed loudly, then on hearing our screams, Sunny Dubey resident of flat number 606 Heritage Apartment, Nitin Goyal resident of flat number 405 Heritage Apartment came, who rescued us from them, then all these people ran away through the stairs, verbally abusing us and threatening to kill us. After that, the person in the blue shirt, Kunal Kharab, Risav Gandhi and 02 unknown people came, Risav Gandhi picked up the pot and tried to hit my husband with the pot. My family and Sonika Thakur's family are in danger from them. This entire incident was recorded in the CCTV camera installed outside flat number 101. Then Nitin Goyal had got me, my husband Avnish Minhas, Sonika Thakur and Rupesh Gupta admitted in the Government Hospital Dhakoli for treatment where the doctor prepared MLR's of all of us in regard to the injuries caused to all of us and The doctor had referred Sonika Thakur, Rupesh Gupta and my husband Avnish Minhas to G.M.C.H. Sector 32 Chandigarh for treatment and The doctor had also discharged me after treatment in the hospital. Sonika Thakur, Rupesh Gupta and my husband Avnis Minhas were discharged after treatment in G.M.C.H. Sector 32 Chandigarh. Today I along with my husband Avnish Minhas, Sonika Thakur and Rupesh Gupta have come at the Dhakoli police station. Appropriate legal action should be taken against Sandeep Kharab, Risav Gandhi, Kunal Kharab and unknown persons. I have got my statement recorded with you heard it and found it correct”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and no specific role has been attributed to the petitioner. It is further submitted that the Investigating Officer is in possession of

an 8-minute CCTV footage obtained from the alleged place of occurrence, which merely shows an exchange of heated arguments between the parties. However, no incident of the petitioner physically assaulting or causing any harm to the complainant is visible in the said footage.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jasjit Singh Rattu, DAG Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that the petitioner has given beatings to the complainant and her husband, but he could not put forth any medical opinion and incriminating material to counter the submissions made by learned counsel for the petitioner.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that no specific role has been attributed to the petitioner in the alleged offence, coupled with the fact that the CCTV footage obtained from the alleged place of occurrence only depicts an exchange of heated arguments between the parties added with the fact that the petitioner is not involved in any other case, meaning thereby he is a person of clean antecedents, 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

16.06.2025

Meenu

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*