



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

(234) CRM-M-2674-2025
DATE OF DECISION: 19.05.2025

AniketPetitioner

VERSUS

U.T, ChandigarhRespondent

(234-2) CRM-M-20808-2025

KrishPetitioner

VERSUS

State of U.T, ChandigarhRespondent

CORAM HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present Mr.Aditya Anand, Advocate,
for the petitioner in CRM-M-2674-2025.

Mr. Sunil K. Chaudhary, Advocate,
for the petitioner in CRM-M-20808-2025.

Mr. Manish Bansal, PP, UT, Chandigarh
and Ms. Diksha Sharma, Advocate,
for UT, Chandigarh assisted by IO/ASI Avtar Singh.

RAJESH BHARDWAJ, J (ORAL)

1. This order will dispose of above mentioned petitions as same have arisen out of a common FIR.

2. Present petitions have been filed praying for the grant of regular bail to the petitioners in case bearing FIR No.239 dated 11.11.2024, under Sections 109(1),191(2),191(3),190 and 118(1), BNS, 2023 (erstwhile Sections 307, 147, 148, 149 and 324 IPC, 1860), registered at Police Station Sector 36, District Chandigarh.



3. Succinctly the facts of the case are that the FIR in the present case has been registered on the statement of the complainant namely Lakhan. It was alleged that his cousin brother Rahul son of Rajendra Das drives an Auto for his livelihood. On 10.11.2024, at about 10:30 pm, when Rahul came to pick up his younger brother Sahil from the floor Mill, the complainant was also near the floor mill. In the meantime 6/7 boys came out of Star City Hotel and they started abusing them. On raising objection, they got infuriated and they disclosed their names to be Arun, Krish, Vikas, Ankit, Abhinshek and Pankaj. They proclaimed them to be goons of 38 West and had come there to settle the dispute. Proclaiming so, they started beating them with fist blows. Thereafter, one of them namely Pankaj took out the knife from his right side and gave a blow of the same in the stomach of Rahul. Thereafter other boy namely Ankit took the knife from Pankaj and also gave another blow in the stomach of Rahul. Pankaj again grabbed the knife from Ankit and gave another blow to Rahul. He started bleeding profusely. On raising the commotion of the public, they escaped from the scene of occurrence. The injured Rahul was shifted to GMCH-16, Chandigarh for treatment, from where doctor referred him to GMCH-32, Chandigarh. A request was made to take legal action against the assailants. On registration of the FIR, investigation commenced. During investigation, the petitioner Krish in CRM-M-20808-2025 was arrested on 11.11.2024. The name of petitioner Aniket in CRM-M-2674-2025 also surfaced during the disclosure statement of co-accused and he was also arrested on the same day i.e on 11.11.2024. The petitioners approached the Court of learned Additional Sessions Judge, Chandigarh praying for the grant of bail. However, after hearing both the sides finding no merit in the same, the



learned Additional Sessions Judge, Chandigarh declined both the petitions filed by the petitioners vide order dated 16.12.2024 and 08.04.2025 respectively. Hence being aggrieved, the petitioners are before this Court by way of filing the above mentioned petitions praying for the grant of regular bail.

4. Learned counsel for the petitioner-Aniket has vehemently contended that neither the petitioner is named in the FIR nor any overt act has been attributed. However, he has been falsely implicated on the disclosure statement of the co-accused which is not even admissible in the eyes of law and he submits that the petitioner has no criminal antecedents and the only evidence collected against him is disclosure statement of the co-accused. It is submitted that both the complainant and the injured have been examined by the trial Court and both have not supported the case of the prosecution.

5. Similarly, counsel for the petitioner-Krish has submitted that the petitioner though is named in the FIR, however, he has been alleged to have caught hold of injured Rahul. He submits that the petitioner neither was armed with any weapon nor he has committed any overt act for committing the alleged injury. Thus, he submits that the petitioner has been alleged to be part of unlawful assembly. It is submitted that both the petitioners are behind bars since the date of their arrest i.e 11.11.2024 and they have no criminal antecedents. Thus, the petitioners deserve to be granted bail.

5. *Per contra*, learned counsel for the State however has opposed the submissions made by counsel for the petitioners. He, submits that the petitioner Krish has been duly named in the FIR and he is the one who has caught hold the complainant. He submits that the complicity of petitioner-



Aniket was also found in the present case and he arrested on the very same day. Both the petitioners were part of the unlawful assembly and they have duly participated in the occurrence. However, he does not dispute the factum that the petitioners and the complainant have been examined by the trial Court and they have not supported the case of the prosecution. He has placed on record separate custody certificates of petitioner-Aniket and petitioner-Krish today in the Court.

6. Heard.

7. After hearing learned counsel for the parties and perusing the record, it is inferred that the occurrence in the present case has taken place on 10.11.2024. The petitioner Krish was named in the FIR who he has been alleged to have caught hold of complainant. So far as petitioner-Aniket is concerned, neither he has been named in the FIR nor overt act alleged to have been sustained. However, his complicity surfaced on the basis of the disclosure statement of the co-accused. Custody certificates show that the petitioners have suffered incarceration of 06 month and 8 days as on 19.05.2025. and both have not any criminal antecedent. The complainant and the injured have not supported the case of the prosecution. As submitted by the learned State counsel, out of twenty one, eight prosecution witnesses have been examined.

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that both learned counsel for the petitioners succeed in making out a case for the grant of bail. Accordingly, both the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the



satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

19.05.2025
mamta

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No