



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

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**CRM-M-39170-2024 (O&M)
Date of Decision:- 19.05.2025**

DIKSHIT TANDON ALIAS DIXIT TANDON

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Ms. Tanvi Dhull, Advocate for
Mr. Lakshay Bector, Advocate for the petitioner.

Mr. Durgesh Garg, AAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
93	26.06.2022	307, 148, 149, 506 and 120-B IPC; 25 of the Arms Act	Division No.3, Ludhiana, District Ludhiana, Punjab

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. She contends that apart from simply being named in the FIR, no specific



overt act or injury has been attributed to the petitioner. She submits that the petitioner is in custody since 29.06.2022 and after the completion of investigation, challan has been presented in Court, as such, the petitioner is not required for further investigation in the matter. She further submits that the co-accused namely Kunal Sharma @ Abhay, Shivam Mota @ Shubham Arora and Nishu Kainth @ Vishu Kainth have already been granted the concession of bail by this Court vide order dated 21.11.2023 (Annexures P-4 to P-6), thus, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the short reply filed by the State has opposed the petition on the ground that the petitioner was a member of unlawful assembly, wherein other co-accused, while being armed with deadly weapons, tried to commit murder of the victim, as such, the petitioner is not entitled to the concession of bail and prayed for dismissal of the petition.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that the case of prosecution in brief is that the victim-Kartik was going to Manohar Nagar, Ludhiana along with his cousin Aaryan on motorcycle, followed by his father (complainant) on another motorcycle. When they reached near Benjamin Road, CMC Chowk, Ludhiana, then 8-10 person standing there on three motorcycles waylaid the motorcycle of the victim. The assailants were talking on a video call with Shivam Mota and Rishab Benipal, who were saying to complete the task of killing the victim and in the meanwhile, co-accused Karan Kalia took out a pistol and fired



two shots upon the victim with intent to kill him. The complainant and the victim raised alarm upon which the assailants fled away from the spot and the injured was shifted to the hospital.

6. A perusal of the record would reveal that in the FIR, except for being named, no specific overt act or injury has been attributed to the petitioner. Even the learned State counsel could not controvert this aspect by referring to the reply filed by the State. The only allegation against the petitioner is that he happened to be the member of unlawful assembly of which one of the co-accused had fired upon the victim. Challan has already been presented in Court, wherein the prosecution has cited 14 witnesses and none has been examined till date. The petitioner is in custody since 29.06.2022 and the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.



9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

19.05.2025

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No