



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

**CRA-S-575-2025 (O&M)
Date of Decision:27.02.2025**

MOJI RAM

...Appellant

Vs.

**U.T. OF CHANDIGARH THROUGH ITS HOME SECRETARY,
CHANDIGARH AND ANOTHER**

...Respondents

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Namit Khurana, Advocate for the appellant.
 Mr. Manish Bansal P.P. U.T. Chandigarh.
 Respondent no.2 in person.

SANDEEP MOUDGIL, J. (Oral)

1. The present appeal has been preferred against the order dated 04.01.2025 passed by learned Additional Sessions Judge, Chandigarh, whereby bail application filed by the appellant has been dismissed in case FIR No.0181, dated 21.10.2024, under Sections 3(1)(b) 3(1)(r) & 3(1)(s) of SC/ST Act, 1989, Sections 294 & 509 IPC (added later on), registered at Police Station Central, Sector 17, Chandigarh.

2. Learned counsel for the appellant contends that the instant FIR is nothing but the outcome of dismissal of the eviction petition which was lodged, and thereafter appeal was dismissed on 05.09.2024. The present FIR came to be lodged on 21.10.2024 alleging the occurrence on 15.03.2022.

3. Learned counsel for the complainant is present in person and seek dismissal of the present appeal by stating that there is no delay in lodging the instant FIR as he has given a complaint to the Police Station,



Sector 17, Chandigarh, but the same was not accepted and entertained, and his pleas were not given any hearing which resulted into such long delay. He further submits that he is ready and willing to vacate the demised premises and for which the appellant has to come forward and accept the possession of the vacant premises *qua* which the eviction order was passed.

4. Learned counsel for the U.T. Chandigarh, would submit that there is an audio recording which would show certain words uttered by the appellant but could not make out as to whom they are actually addressed at this stage.

5. This Court is concerned with the fact as to whether the vacant possession of the demised premises is to be accepted by the appellant or not for which learned counsel for the appellant intimates that he is availing appropriate remedies as per law, but, the fact is that the delay in lodging the FIR is still unexplained and it seems that the lodging of instant petition at such belated stage is nothing but a strategic plan used by the complainant/respondent no. 2 to create undue pressure and coercion upon the appellant.

6. In the light of the above, I do not find any reason to disallow the present appeal, particularly when the State could not make out a case for custodial interrogation by putting forth any incriminating material so far and also looking into the improbability of the facts and veracity of audio recording which is yet to be decided in the forensic lab, it would be unfair and unjust to keep the appellant behind bars.

7. Be that as it may, after given a thoughtful consideration to the



submissions as made by counsel for the parties and considering the fact that this Court finds no reason to deny the concession of anticipatory bail to the appellant as he is ready and willing to join the investigation to cooperate with the investigating officer for furtherance of the investigation. In the light of above, the appellant is hereby 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.”

8. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.



9. In the aforesaid terms, the present petition stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

27.02.2025

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