

**IN THE SUPREME COURT OF INDIA**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPEAL NO.846 OF 2020**  
**(Arising out of SLP (CrI.) No.5240 of 2020)**

**PANKAJ VISHWAMITRA**

**Appellant**

**VERSUS**

**STATE OF UTTAR PRADESH & ANR.**

**Respondents**

**O R D E R**

Leave granted.

This appeal challenges the order dated 03.09.2020 passed by the High Court of Judicature at Allahabad, granting bail to respondent no.2 in Criminal Misc. Bail Application No.20835 of 2020.

In FIR No.7 of 2020 dated 09.01.2020, registered with Police Station Sector-17, Faridabad, in respect of offences punishable under Sections 323/34/341/352/427 and 506 IPC, respondent no.2 herein, namely, Rahul Chandila (a security guard at a building complex where the appellant complainant resides) and his associates are named as accused. By order dated 12.01.2020, the Judicial Magistrate First Class, Faridabad, granted bail to the accused persons.

While enjoying the relief of bail in the aforesaid crime, another crime was committed on 12.03.2020.

In respect of the second crime, FIR No.98 of 2020 dated 12.03.2020 was lodged with Police Station Sector 58 NOIDA, District Gautam Budha Nagar, Uttar Pradesh, for the offences punishable under Sections 307, 120-B and 34 IPC.

According to the allegations made in the FIR, Pawan Gaur, Deepak Chandila, Rinku Chandila alongwith their associates beat up the appellatant with lathi, sticks and iron rod with an intention to kill him. The record indicates that the appellatant was grievously injured and had to undergo operations and was also hospitalized for a while.

Paragraphs 7 and 8 of the counter affidavit filed on behalf of the State state the facts as under:

"7. That as the Victim (Petitioner herein) was grievously injured in the attack due to which several surgical procedures were performed on him, his statement could only be recorded on 15.04.2020 in which the victim has, *inter alia*, stated that accused Pankaj Gaur also lives in the same society where the victim is living and Pankaj Gaur with his associates Rinku Chandila, Deepak Chandila takes the contract for supply of Guards in the society and they do not work properly in the society and do hooliganism and fights in the society. As the victim use to oppose the wrong and unlawful activities of aforesaid persons, for this reason Pawan Gaur, Deepak Chandila, Rinku Chandila became inimical to the victim and used to threaten him. At the time of incident, when he parked his car and came out of the car, accused persons Rahul Chandila (Respondent No.2 herein), Sumit Chandila, Gaurav, Adesh Bhadana, Samaypal Chandila carrying iron rods, sticks and *tamanchas* (country-made guns) in their hands started assaulting him with intention to kill him and said that he used to oppose Pawan Gaur, Deepak Chandila and Riku Chandila, therefore, today they will kill him and he will not be spared.

8. That as per the injury report there is injury on the head of the victim in the right parietal region, upper limb and penetrated wound in the left hand. Doctor Allreza Kanani, DNB Emergency Dept. Fortis Hospital Noida, who prepared the Medico Legal Report has stated in his statement dated 23.04.2020 that the victim has sustained injuries on the head, hand, legs and also the internal injuries for which he has been operated and the injuries were dangerous in nature."

The High Court, by order which is presently under challenge, granted relief of bail to respondent no.2 Rahul Chandila, on the ground of parity with certain other accused.

With the assistance of the learned counsel appearing for the parties, we have gone through the record. Following facts emerge from the record:

- a) Respondent no.2 was an accused in the earlier FIR;
- b) He was released on bail under the orders passed by the Judicial Magistrate First Class, Faridabad;
- c) While on bail, he allegedly misused his liberty and committed the crime as stated in the second FIR; and
- d) The gravity of offences in the second crime was such that the appellant sustained injuries on his head, hand and legs; there were internal injuries as well, and that the injuries were dangerous in nature.

In the circumstances, in our considered view, no case for bail was made out.

We, therefore, allow this appeal, set-aside the order passed by the High Court and direct that respondent no.2 Rahul Chandila be taken into custody forth-with.

It appears that a charge-sheet has been filed insofar as the respondent no.2 is concerned. However, since some of the co-accused are still absconding, the investigation into the crime is yet to be completed. We, therefore, direct the investigating agency to take appropriate steps in the matter as early as possible.

A copy of this order shall be sent to the concerned Police Station as well as the jurisdictional Chief Judicial Magistrate.

With the aforesaid observations, the appeal is allowed.

.....J.  
[UDAY UMESH LALIT]

.....J.  
[VINEET SARAN]

.....J.  
[S. RAVINDRA BHAT]

NEW DELHI;  
DECEMBER 10, 2020

