

Vishank Bhardwaj Vs. State
B.A. Filing No.1852-2022
CNR No. PBSA-01-00-7370-2022

FIR No. 247 dated 10.08.2021
U/s. 341, 397, 411, 34 IPC &
Section 25-54-59 of Arms Act
P.S. Derabassi, District SAS Nagar, (Mohali), Punjab

Bail application under Section 438 Cr.P.C.

Present: Sh. Veenit Saini Adv, counsel for applicant.
Sh. S.S.Sahota, Additional P.P for State.

ORDER:-

Record of investigation received. Learned Addl. PP for the State has put in appearance. Heard.

The brief facts of the prosecution story in nutshell are that the FIR was recorded on the complaint of Abhishek Sharma on the allegations *interlia* that on 09.08.2021 at about 9:30 PM, he was coming from Zirakpur to Derabassi in his car Creta Hyundai Model 2021 bearing registration no. HP-52-D-0696. When he stop the car for urinating. Then one unknown car of white colour came there and the driver of the said car parked the same infront of his car. Out of the said car, 4 unknown persons were alighted. Out of them, one person snatched the key of his car. When complainant alighted from the car for taking key of his car. In the meantime, said person fired near to the feet of the complainant. Thereafter, they sit in the car of complainant and fled away from the spot. Complainant was having wallet, debit car, passport, driving license, aadhar car, voter card, pan card and ₹15,000/- cash and

mobile phone of Vivo. Investigation was initiated. Accordingly, offences made out under Sections 341, 397, 34 of IPC & Section 25-54-59 of Arms Act.

During investigation, it is surfaced that one Creta car bearing registration no. HP-52-D-0696 was recovered from accused Vishank Bhardwaj by the Delhi Police. Accordingly, Vishank Bhardwaj was nominated in the present case.

During investigation, offence under Section 411 of IPC was added.

The learned counsel for the accused/applicant has argued that the accused/applicant has been falsely implicated in the present case. He further argued that the said car was taken by him from his brother-in-law (Jija Ji) namely Ankit Vasisht and moreover, the accused was nominated on the basis of DDR in Kalandara and Hon'ble Court of Metropolitan Magistrate Karkardooma Shahdara Courts, Delhi has granted bail to the accused/applicant. He further argued that the accused is ready to join the investigation, so he be granted the anticipatory bail.

On the other hand, learned Additional Public Prosecutor for the state has vehemently opposed the bail application on the ground that there are serious allegations against the accused/applicant. He further argued that there are specific allegations against the accused/applicant. He further argued that the accused/applicant alongwith his co-accused have snatched the car from the complainant and his custodial interrogation is required for further

investigation and to unravel truth. He prayed for dismissal of the bail application.

From the submissions of learned Additional Public Prosecutor for the state, learned counsel for the accused/applicant and from the perusal of record, it is clear that the present FIR was got registered on the statement of complainant Abhishek Sharma against unknown accused persons. The submissions of learned counsel for the accused/applicant is that accused/applicant took the car in question from his brother-in-law (Jija Ji) and he is taking the competition examination. Moreover, it is debatable issue – Whether the accused/applicant alongwith his co-accused snatched the car from the complainant or he obtain the same from his brother-in-law?. In these circumstances, without commenting anything on the merits of the case, benefit of interim bail is granted to the accused/applicant at this stage till next date of hearing only and an interim direction is given to him to join the investigation within 7 days and on his doing so, he shall be released on interim bail, on his furnishing bail bonds/surety bonds to the satisfaction of I.O/SHO concerned and subject to the following conditions:-

1. That the applicant shall join the investigation as and when called by the investigating agency
2. That the applicant shall not tamper with the prosecution evidence.
3. That the applicant shall not leave the country without prior

permission of the court.

Now to come up on 10.08.2022 for further proceedings.

Record of investigation be also produced on the date fixed. **The investigating officer is directed to get the accused identified from the complainant.**

Date of Order
29.07.2022

Bhupinder Singh
Stenographer-II

(Avtar Singh)
Addl. Sessions Judge.
S.A.S. Nagar, (Mohali).
(UID No.PB00086)